

**THE SACRED  
AND  
THE PROFANE**

# **THE SACRED AND THE PROFANE**

by  
**THE MOST REVEREND CLARENCE KELLY**

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A note of thanks to all those who  
worked so hard in the preparation and  
the editing of this book. God bless you.

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# INTRODUCTION

## *A Distressing Phone Call*

Some time ago I received a phone call from a young lady who attends Mass in one of the Society of St. Pius V chapels. She had received Fr. Donald Sanborn's letter of April 1995 attacking Bishop Alfred F. Mendez along with the *Notes on Bishop Mendez & an Episcopal Consecration*. She was quite upset. We discussed the letter and the *Notes* in a general way and, as we did, I sensed that something in particular was really troubling her – something that her modesty and piety prevented her from bringing up. I suspected it had to do with the insinuations of impurity against Bishop Mendez that were contained in Fr. Sanborn's letter and the *Notes*. I asked if it were so. She said it was. We discussed it. When she learned the truth of the matter, she was greatly relieved.

## *Not an Isolated Case*

This is not an isolated case. Many good people have been affected by the letter and the *Notes*. The allegations are hard to believe. Yet, it is harder to believe that a Catholic priest would say such things if they were not true. I myself find it hard to believe that Fr. Sanborn would deliberately string together a series of falsehoods in order to destroy the reputation of a Catholic bishop. I find it hard to believe that any priest would do such a thing. I find it especially hard to believe in this case because Fr. Sanborn wrote to Bishop Mendez to praise him for his courage and to thank him for ordaining Frs. Baumberger and Greenwell. On October 2, 1990, he wrote:

*Your Excellency,*

*Thank you for ordaining to the holy priesthood Frs. Baumberger and Greenwell.*

*Their ordination not only will alleviate some of the burden upon us priests, but even more importantly, will give courage and enthusiasm to the lay people who are so lost in this crisis of the Church. I only wish there were more young men who could be ordained at this time.*

*May God bless you for this most courageous step for the preservation of our holy Catholic Faith in this age of modernism.*

*Sincerely yours in Christ,  
Fr. Sanborn<sup>1</sup>*

In September of 1991, Fr. Sanborn wrote again to Bishop Mendez to tell him that he had written "to all of the bishops of the world" in the hope that one would rise up, come forward and do something. Fr. Sanborn said of this letter to all the *Novus Ordo* bishops:

The letter is addressed to, hypothetically, a validly consecrated bishop who feels that the changes of Vatican II have brought great harm to the Catholic Church, and asks him to rise up and do something about it.<sup>2</sup>

He went on to say to Bishop Mendez: "We need bishops, Your Excellency."

***Fr. Sanborn's Response to the Consecration***

The purpose of Fr. Sanborn's letter to Bishop Mendez is clear. He wanted Bishop Mendez to consecrate a bishop. In fact, prior to his first letter and before the ordinations of Frs.

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<sup>1</sup> Rev. Donald Sanborn to Bishop Alfred F. Mendez, October 2, 1990, Personal Files of Bishop Clarence Kelly, Round Top, NY. (See Appendix A: Document 10.)

<sup>2</sup> Rev. Donald Sanborn to Bishop Alfred F. Mendez, September 3, 1991, Personal Files of Bishop Clarence Kelly, Round Top, NY.

Baumberger and Greenwell, Fr. Sanborn had visited Bishop Mendez for the express purpose of asking him to consecrate a bishop. Yet, when Bishop Mendez did consecrate a bishop, Fr. Sanborn responded by unleashing, what can only be described as, a vicious personal attack against him. The questions are: how and why. How could Fr. Sanborn say the things he said in his April 1995 letter? How could he send copies of it along with the *Notes* throughout the country? And why? Why did Fr. Sanborn do this? Why did he seek to completely destroy Bishop Mendez' reputation among traditional Catholic people? Why did he not praise Bishop Mendez for his courage and rejoice over the consecration as he had done when he found out about the 1990 ordinations?

### *The Answer*

The answer has to do with the Thuc bishops. It has to do with the fact that at some point along the way Fr. Sanborn made a definitive decision to throw in his lot with the Thuc bishops. But why, one may ask, would such a decision, in his eyes, necessitate the destruction of Bishop Mendez' reputation? What does the destruction of the reputation of the late Bishop Mendez have to do with the Thuc bishops? It has this to do with them: Fr. Sanborn made a definitive decision to get involved with the Thuc bishops. That decision involves availing himself of the services of "Bishop" Daniel Dolan for confirmations and ordinations in the present and perhaps of some other Thuc bishop in the future. But there are three problems that stand in the way of successfully imposing a Thuc bishop on the people and future seminarians. They are: (1) the Thuc consecrations labor under a cloud of scandal and doubt; (2) the priests of the Society of St. Pius V have been for years and continue to be strong opponents of the imposition of Thuc bishops on the Catholic faithful; and (3) Bishop Mendez gave the Catholic people an untainted and certainly valid Catholic alternative.

By his letter and the *Notes* Fr. Sanborn tried (1) to put Bishop Mendez under a cloud of scandal and doubt in order to divert the attention of the people away from the scandals and doubts of Archbishop Thuc and the Thuc bishops; (2) to neutralize the opposition of the priests of the Society of St. Pius V to the

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imposition of the Thuc bishops on Catholics in this country by putting these priests on the defensive about Bishop Mendez and the consecration he performed; and (3) to destroy the alternative by tainting it with scandal and doubt. What Fr. Sanborn has tried to do with the help of Fr. Anthony Cekada is to sacrifice the reputation of Bishop Mendez in the service of his plan to impose "Bishop" Dolan on the faithful and seminarians alike. It is as simple and as unconscionable as that. Nor is it the first time that Fr. Sanborn has tried to do such a thing. He did it in the past when he was trying to justify his anticipated association with another Thuc bishop by the name of Franco Munari.

#### *The Munari Fiasco*

Franco Munari was a true Catholic priest who became a Thuc bishop. He was consecrated by the late Fr. Guérard des Lauriers on November 25, 1987. Fr. des Lauriers had been consecrated by Archbishop Thuc on May 7, 1981. Fr. Sanborn was very impressed with Fr. Munari. "He is worthy of our confidence," he wrote to a prospective seminarian. "He could conceivably become the international leader of the traditional movement in the years to come," he said to that same person. (I have in my possession a copy of the correspondence from Fr. Sanborn to this individual from which these remarks are quoted.) Yet, however impressed Fr. Sanborn was with Munari, Munari was still a Thuc bishop, tainted and under a cloud of scandal and doubt. Therefore, to justify Munari and his anticipated association with him, Fr. Sanborn attacked Archbishop Lefebvre and Bishop de Castro-Mayer. He said that "the scandals of Abp. Thuc pale in comparison" with the things Archbishop Lefebvre did. Then, to attack Bishop de Castro-Mayer, he invoked the bishop's former association with the organization known as the TFP (Brazilian Society for the Defense of Tradition, Family and Property), saying that "the TFP is so weird that it makes the 'Eglise de Toulouse' look as Catholic as the Holy Office of the Inquisition."<sup>3</sup> The

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<sup>3</sup> Rev. Donald Sanborn to a prospective seminarian, n. d., Personal Files of Bishop Clarence Kelly, Round Top, NY.

"Eglise de Toulouse" was an overtly non-Catholic sect started by a known homosexual who was consecrated, as a non-Catholic, by Archbishop Thuc. Fr. Sanborn was saved from his ill-fated association with "Bishop" Munari when Munari abandoned the group he was associated with and disappeared from the scene. The latest "Munari" for Fr. Sanborn (though, in all likelihood, not the last "Munari") is "Bishop" Dolan. The latest victim he is using to justify his association with *this* Thuc bishop is Bishop Mendez.

***Fr. William Jenkins Wrote of this Method***

Fr. William Jenkins wrote about this technique of destroying the reputation of Catholic bishops in the service of the Thuc consecrations in *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn*. He said:

It is a measure of their desperation, to justify Archbishop Thuc in the eyes of the Catholic people, that these priests are driven to defame other traditional bishops.

They do this in two ways. They do it in a negative way and a positive way. In the negative way they try to lower these bishops to the level of Thuc, or even to a lower level.

Thus, Fr. Sanborn wrote to an interested party about "(1) Abp. Lefebvre (2) Bp. de Castro-Mayer and (3) Abp. Ngo-Dinh-Thuc" that "each of them has, in his own way, done scandalous things." He actually dares to say that "the scandals of Abp. Thuc pale in comparison" with those of Archbishop Lefebvre.

His purpose is obvious: if Abp. Lefebvre is as bad or worse than Thuc -- and we accept Abp. Lefebvre -- then we should be able to accept Archbishop Thuc and stomach his scandals.

The positive way these priests defame other bishops is by seeking to raise Thuc up to their level

and thus putting Thuc in their company. Fr. Sanborn recently wrote, in his cover letter sent out with his *Postscript* to Fr. Cekada's article, the following:

**In the wake of Vatican II, there were only three bishops who did anything to help preserve the Catholic Faith from the nearly universal corruption which we daily witness: these bishops were Archbishop Marcel Lefebvre, Archbishop Ngo-Dinh-Thuc, and Bishop Antonio de Castro-Mayer.**

Here, they would raise Thuc to the level of Archbishop Lefebvre and Bishop Castro-Mayer -- two bishops who really did do something to preserve the Catholic Faith in the wake of Vatican II. But to place Thuc, the infamous profaner of the Catholic priesthood, in the company of Archbishop Lefebvre and Bishop Castro-Mayer is a calumny. For these two bishops will be remembered in history as men who defended the Catholic priesthood. Thuc will be remembered for betraying it.<sup>4</sup>

### *The Simple Truth*

But try as he may, Fr. Sanborn cannot dissipate the cloud of scandal and doubt that hangs over the Thuc consecrations by destroying the reputations of other Catholic bishops. The scandals are too great, the sacrileges are too numerous and the doubts are too substantial. In his 1983 article on the Thuc bishops, Fr. Cekada said

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<sup>4</sup> Rev. William W. Jenkins, *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn* (Oyster Bay, NY: Society of St. Pius V [1993]), pp. iv-v.

it well when he stated that it was "impossible"<sup>5</sup> that the Thuc bishops were the future of the Church. He was right. It is still impossible.

### *The Reason for this Response*

When I first read Fr. Sanborn's letter and the *Notes*, my first reaction was to think that a response was not necessary. The call of the young woman mentioned above, however, which was followed by many subsequent conversations with other concerned Catholics, led me to believe otherwise. The simple fact is that many good people have been affected by what Fr. Sanborn and Fr. Cekada have written. The seeds of doubt have been sown. The good name of Bishop Mendez has been sullied. The cause of the scandalous and doubtful Thuc bishops has been advanced. Masses that may be invalid are being offered in traditional chapels. Dying people are being anointed with Holy Oil that may be invalid matter for the Sacrament of Extreme Unction. Hosts that may be nothing more than bread are being distributed to the people at Communion time and are being adored in monstrances. And these things are being done because priests like Fr. Donald Sanborn and Fr. Anthony Cekada, who were once faithful to Catholic tradition and practice, are now doing what they themselves condemned in the past. Something must be done. A response has to be made. The truth must be told. Thus do I make this response to warn the faithful, to minimize the harm done to souls, to alleviate the doubts of good people and to restore the good name of Bishop Mendez who, in the twilight of his life, took, as Fr. Sanborn said, a "*most courageous step for the preservation of our holy Catholic Faith in this age of modernism.*"<sup>6</sup>

### *The Method of this Response*

This response is divided into two parts. Part I deals with (1) the *background* to the controversy over the Thuc consecrations; (2)

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<sup>5</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic* V (January 1983), p. 16.

<sup>6</sup> Sanborn to Mendez, Oct. 2, 1990.

the *principles* of Canon Law and Moral Theology that are applicable in the case of a private or secret consecration; and (3) the *application of these principles* to the Thuc consecrations and to the consecration done by Bishop Mendez. Part II is a direct and detailed response to Fr. Sanborn's letter. It is a paragraph by paragraph response. For convenience sake, I have numbered the paragraphs of Fr. Sanborn's letter from one to twenty-three. Each paragraph and the response constitute a separate chapter. Some are short. Some are long. It is my hope that this division into chapters, according to the paragraphs of Fr. Sanborn's letter, will make it easier for the reader to follow along, to skip around or to skip ahead to the points he or she is particularly interested in and that have been raised by Fr. Sanborn.

The constraints of time and space, at least at this time, make it impossible to give a similar treatment to Fr. Cekada's *Notes on Bishop Mendez & an Episcopal Consecration*. But the *Notes* are dealt with in my response to Paragraph 7 of Fr. Sanborn's letter. At the end will be found the Appendices. These include, among other things, Fr. Cekada's complete 1983 article on the Thuc bishops, "Two Bishops In Every Garage"; the petition of the Holy Cross Fathers to the California Court asking that their suit challenging the Will of Bishop Mendez be dismissed with prejudice against *them*; and additional items of importance. These things are included for the record.<sup>7</sup>

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<sup>7</sup> Please note that we have followed, with certain exceptions, the method of footnoting that is found in *A Manual for Writers* by Kate L. Turabian. According to this method an abbreviated title is used for succeeding references to the same work within a chapter. For example, Fr. William Jenkins' pamphlet, *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn*, in succeeding references within the same chapter is given as *Open Appeal*.

**PART I**

**THE CONSECRATIONS**

## CHAPTER 1

# THE BACKGROUND

### *The Trip to Germany*

On Monday, February 8, 1988, Fr. Sanborn, Fr. Jenkins and I boarded American Airlines Flight 68 for Frankfurt, Germany. With us was a gentleman from Michigan who was to act as our interpreter. We thought we would need one. We were on our way to Munich via Frankfurt to interview Dr. Kurt Hiller and Dr. Eberhard Heller, the two professors who were present at the consecration of the French Dominican priest, Fr. Guérard des Lauriers, by Archbishop Ngo-Dinh-Thuc. They were also present at the consecrations of two Mexican priests, Fr. Moises Carmona and Fr. Adolfo Zamora, who were also consecrated by Archbishop Thuc.

We arrived in Frankfurt on Tuesday, February 9, 1988, at 7:29 A.M., European time. We rented a car and drove to Munich. Fr. Sanborn was the driver. We arrived in Munich, checked into our hotel which was located near the main train station, had dinner and rested. The next day Dr. Kurt Hiller came to the hotel for the interview that had been previously arranged. It was conducted in English and lasted for about four hours. (This interview and the subsequent interview with Dr. Heller were both recorded on audio tape.) Our interpreter was present during the entire interview and now and again, in the course of the interview, assisted in the communication process by translating words and explaining certain distinctions. Dr. Hiller was cooperative and endeavored to answer all our questions in one way or another.

That evening we went to the home of Dr. Heller. He was friendly, hospitable, very talkative and highly opinionated. We spent about four hours with him and at times it was hard to get a word in edgewise. He was more intent on convincing us of the need to reconstitute the hierarchy of the church by the multiplication of bishops than he was in answering specific questions about the consecration. But when Fr. Sanborn finally did ask him if Archbishop Thuc had imposed hands on the head of Fr. Guérard des Lauriers in the course of the consecration ceremony, Dr. Heller became defensive and even angry and refused to answer the question. He protested that he could not be expected to remember all the details of something that had taken place six years before. Of course, the imposition of hands in an episcopal consecration is not just a detail. It is the *essential matter* of the Sacrament. It is to an episcopal consecration what the pouring of the water on the head of the baby is to a baptism. It is necessary for validity.

### *Three Definitive Conclusions*

In any case, the interviews led Fr. Sanborn to draw three quite definitive conclusions. He expressed these to Fr. Jenkins and me. (1) Validity could not be proved in the external forum. (2) Even if validity could be proved, we could have nothing to do with the Thuc bishops or consecrations because they were too "sordid." (3) There must have been something seriously wrong with the mind of Archbishop Thuc for him to have done all the "bizarre" things he did. He must have been "crazy." Fr. Jenkins and I agreed with Fr. Sanborn's assessment and his conclusions. I breathed a sigh of relief. To understand why, it is necessary to go back to at least January of 1983.

### *January of 1983 – Fr. Cekada's Article*

In January of 1983, Fr. Cekada published a lengthy article on the Thuc bishops. He called it "Two Bishops In Every Garage." The article deals with Archbishop Thuc and the Thuc consecrations. It recounts what Fr. Cekada called "The Palmar Fiasco." It tells of the "Old Catholic' Connections" and Thuc's association with the group that Dr. Hiller and Dr. Heller belonged to. There are sections

in the article entitled "A Mexican Connection" and "South Of The Border." In these Fr. Cekada considers the consecrations of Fr. Adolfo Zamora and Fr. Moises Carmona. (It is to Carmona that Fr. Dolan traces his episcopal orders.) Fr. Cekada criticizes Carmona saying he wasted no time "in making more 'traditional Catholic bishops' for Mexico." He suggests that an 85-word document written in Latin by Carmona, who was supposed to have been a Latin teacher in a Mexican seminary, contains "at least a dozen grammatical errors." Fr. Cekada even raises questions about the validity of Carmona's consecration and hence about the validity of Fr. Dolan's consecration. He also questions the qualifications of Dr. Hiller and Dr. Heller to be witnesses at an episcopal consecration. He writes about the consecration of Fr. George Musey who managed the Hofbrau Restaurant near Dickinson, Texas, when Fr. Cekada first met him in July of 1977. He notes that Musey was consecrated by Carmona and Zamora in Acapulco and that "the photos of the event reveal some departures from what is prescribed in the *Roman Pontifical*." He tells us that Musey later consecrated Fr. Louis Vezelis of Rochester and that together they "set themselves up as the 'hierarchy' of what can only be called a new religion with its own 'magisterium.'" He ends his article with "An Assessment" of the Thuc bishops. In it he sums up by considering "the history of the affair as a whole," saying that it is so outrageous that it should not be dignified by considering it from a theological or canonical point of view.<sup>1</sup> He says:

To take these self-styled bishops to task on the basis of either theological opinion or canon law would only dignify what they have done – and discussions based upon mere opinion tend to draw our attention away from the facts.

Consider the history of the affair as a whole: private revelations, the Palmar affair, reconciliation with the Vatican, involvements with

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<sup>1</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic* V (January 1983), pp. 4-16.

French "Old Catholics," concelebrating the New Mass, together with a sudden involvement with someone who believes it's invalid, "secret consecrations," a sudden "Declaration" about the Holy See, high-sounding "Oaths of Unity," a Latin teacher who has problems with Latin, a disappearing priest who ends up a "bishop," "Father" DeKazel, Franciscans "whose Bishop is the Pope in Rome," a one-priest monastery-seminary-convent-retreat house, sudden hairpin turns on ideology, mysterious "offers of the episcopacy," claims of "tacit consent," self-proclamations of universal ordinary jurisdiction, and so on.

Can we really take all this seriously and suppose that the "bishops" involved in such goings-on are the future of the Church? Impossible. Even to refer to them as "traditional Catholic bishops" lends too much respectability to the whole business, which is, in this writer's opinion, very disrespectful indeed. . . .

What is far more serious, however, is that these men claim that they are the "only legitimate authority" of the Catholic Church and that Catholics are "bound" to obey them. Further, they pretend to exclude from the Catholic Church those traditional priests and laymen who refuse to recognize their "authority" - something no traditional organization we know of presumes to do. By making such claims, these "bishops" have set up their own religion, with its own "magisterium," its own "episcopal hierarchy," and its own beliefs. It is a new religion, in spite of its trappings - and all its "episcopal consecrations," self-important proclamations and inflated claims of "canonical authority" cannot make it into the Catholic religion. It is at the very least in the

process of creating what will surely become a schismatic sect.

The story will not end here – it is probable that “instant bishops” will continue to multiply exponentially, as among the “Old Catholics.” Our missionary friend in Mexico offers us his opinion on this rather gloomy prospect:

We should have within a few years hundreds or thousands of bishops... without true vocations, the one more ignorant than the other, and an unavoidable cause of more division among traditionalists.<sup>2</sup>

The views expressed by Fr. Cekada in his article on the Thuc bishops reflected the views of the other priests with whom he was associated, including Fr. Sanborn, Fr. Dolan, Fr. Jenkins and me. It may be that some were not too happy with Fr. Cekada’s tendency to sarcasm; but, they certainly agreed that the Thuc bishops were not the future of the Church. They agreed with Fr. Cekada that “even to refer to them as ‘traditional Catholic bishops’ lends too much respectability to the whole business.”

### *The Need for a Bishop*

Fr. Cekada’s article was published in January of 1983. In April of 1983, the priests of the North East District were separated from the Society of St. Pius X. They, therefore, no longer had access to the services of Archbishop Lefebvre. With the passage of time, their thoughts quite naturally turned to the future and the need to find a bishop for the ordination of priests. In April of 1985, Fr. Sanborn went to Campos, Brazil, to talk to Bishop de Castro-Mayer who had maintained the traditional Mass in his diocese. In his 1992 article on the Thuc bishops, “The Validity of The Thuc

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<sup>2</sup> *Ibid.*, pp.15-16.

Consecrations,” which constituted a repudiation of his 1983 article, Fr. Cekada said that it was upon his return from Brazil that Fr. Sanborn suggested that research be done on the question of the Thuc consecrations. Fr. Cekada wrote: “Since I was skeptical of the consecrations, I volunteered to work along with him.”<sup>3</sup> That was 1985. By the end of 1987, Fr. Sanborn was a devoted partisan of the Thuc consecrations – although not a public one. I learned of this at a later date when I received a copy of a paper that Fr. Sanborn had written for the benefit of a prospective seminarian, a paper to which I have already referred. In it he said of the Thuc bishop Franco Munari:

Furthermore, the interest in Bishop Munari is not “all of a sudden”. If you recall, I suggested to you in 1986 or 1987, when Bp. Munari had been recently consecrated, that you go over there. The reason why there was never an interest before is that there were never any bishops who, in my opinion, [were] theologically sound.<sup>4</sup>

The implication is clear. Fr. Sanborn suggested to this prospective seminarian “in 1986 or 1987” that he “go over there” because Munari was a possible source of ordination. Munari was actually consecrated in November of 1987, as we have noted above, and not in 1986. It may be that by 1986 Fr. Sanborn had actually decided that the Thuc bishops were acceptable concerning the questions of validity and scandal. This was, however, not revealed to the other priests, unless he confided it privately to Fr. Cekada with whom he had, according to Fr. Cekada, been doing research on the subject since 1985.

Thus, when it was proposed that we go to Germany to interview Dr. Hiller and Dr. Heller in February of 1988, it was

<sup>3</sup> Rev. Anthony Cekada, “The Validity of The Thuc Consecrations,” *Sacerdotium III (Pars Verna MCMXCII)*, p. 10.

<sup>4</sup> Rev. Donald Sanborn to a prospective seminarian, n. d., Personal Files of Bishop Clarence Kelly, Round Top, NY.

under a different pretext. It was under the pretext of collecting information so that we would be in a better position to answer questions that might arise in the future about the Thuc clergy and the validity of their Sacraments. At the time, I suspected that Fr. Sanborn was not being frank with us and that there was more to the proposed trip than met the eye. I would, however, have been shocked to learn that Fr. Sanborn had already advised a young man to "go over there." I had my misgivings about the trip to Germany; but, Fr. Sanborn insisted that we go. It was, therefore, with a certain reluctance that I agreed to go. I think I felt the way Fr. Cekada must have felt when he wrote in his 1983 article:

To take these self-styled bishops to task on  
the basis of either theological opinion or canon law  
would only dignify what they have done - . . .<sup>5</sup>

In retrospect, however, I am certainly glad that I went because I heard the story from the parties who were actually involved. And what we learned from Dr. Hiller and Dr. Heller was so damaging to the cause of the Thuc consecrations that it completely turned Fr. Sanborn around. It convinced him that we could have nothing to do with the Thuc bishops or consecrations.

#### *From Adamant Opponent to Passionate Supporter*

We went to Germany in February of 1988. When we returned, I thought the issue was finally settled as far as Fr. Sanborn was concerned. He went to Germany a secret sympathizer. He returned an adamant opponent. He was convinced that we could have nothing to do with the Thuc bishops, and he readily told this to the lay people upon his return. Some time later I wrote an article about our trip to Munich and gave a copy to Fr. Sanborn. He was opposed to having it printed. This response indicated to me that something was wrong, especially in the light of his three definitive conclusions after the interviews with Dr. Hiller and Dr. Heller. It

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<sup>5</sup> Cekada, "Two Bishops In Every Garage," p. 15.

indicated to me that he was softening in his opposition to the Thuc consecrations. And so it was. Within a matter of months he completely reversed himself again. He changed from a convinced opponent to a passionate partisan of the Thuc consecrations. In September 1988, he submitted a report to the priests of the Society of St. Pius V in which he concluded that the validity of the consecration of Fr. Guérard des Lauriers was morally certain and could be recognized canonically.

*The September 1988 Meeting and the 1990 Resolution*

The report that Fr. Sanborn submitted to the priests at the September 1988 meeting was entitled *Report On Theological And Canonical Principles Governing The Consecration Of Bishop Guérard Des Lauriers*. Fr. Cekada refers to it in his 1992 article. He says:

At a September 1988 priests' meeting, Father Sanborn distributed a brief internal report to the priests on the theological principles to be applied. Father concluded that we had to regard the [Thuc] consecrations as valid.<sup>6</sup>

In a matter of months, Fr. Sanborn moved from a position that held validity could not be proved in the external forum to a position that said "we had to regard the consecrations as valid." Later, I wrote a response to Fr. Sanborn's paper and submitted it to the priests. The debate continued. The controversy simmered for two years until our September 1990 meeting. At that meeting Fr. Thomas Zapp was elected Administrator of the Society of St. Pius V; and, Fr. Sanborn's position on the consecration of Guérard des Lauriers was formally rejected by the priests. It was rejected in the form of a resolution that was voted on and passed by the priests. The resolution said:

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<sup>6</sup> Cekada, "The Validity of The Thuc Consecrations," p.10.

**RESOLVED:** that the Society of St. Pius V considers the consecration of Guérard des Lauriers to be doubtful because the proof necessary to establish its certitude is lacking. And therefore the sacraments administered in virtue of ordinations and consecrations stemming from Guérard des Lauriers' consecrations and ordinations are doubtful.

The passing of this resolution by the priests was a devastating blow to Fr. Sanborn, for it was Guérard des Lauriers who had consecrated Franco Munari in whom Fr. Sanborn had put his hope. On October 28, 1990, Fr. Sanborn resigned from the Society of St. Pius V. Subsequently, he wrote to every *Novus Ordo* bishop in the world in the hope that one would come forward and oppose the destructive work of the Modernists. He wrote again to Bishop Mendez on September 3, 1991, to inform him of this. To Bishop Mendez he said: "We need bishops, Your Excellency."<sup>7</sup> No *Novus Ordo* bishop came forward in response to Fr. Sanborn's letter, nor was Fr. Sanborn able to move Bishop Mendez to consecrate a bishop.

Fr. Sanborn suffered another devastating blow when his hope for the future, "Bishop" Franco Munari, disappeared. He had said that "Bishop Munari is theologically sound, and worthy of trust. He could conceivably become the international leader of the traditional movement in the years to come."<sup>8</sup> But Munari would not become the "international leader" of anything and he certainly was worthy of no one's trust. For a time, Fr. Sanborn was somewhat subdued. But he recovered, set his sights on the Thuc bishops again and prepared the people for his eventual association with a Thuc bishop, despite his claims to the contrary. In 1992 Fr. Sanborn published Fr. Cekada's article, "The Validity of The Thuc Consecrations," in *Sacerdotium*. Fr. Sanborn wrote the Preface. In

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<sup>7</sup> Rev. Donald Sanborn to Bishop Alfred F. Mendez, September 3, 1991, Personal Files of Bishop Clarence Kelly, Round Top, NY.

<sup>8</sup> Sanborn to a prospective seminarian.

it he said: "I have no personal stake in the issue of whether the Thuc consecrations are valid. I am not involved with the bishops who currently descend from the Thuc line, and I have no plans to become involved with them."<sup>9</sup> Those who really knew Fr. Sanborn knew better.

### *Moral Intimidation*

In 1993 Fr. Sanborn re-published Fr. Cekada's article in pamphlet form and sent out thousands of copies throughout the country together with a letter he wrote and his own pamphlet, *The Thuc Consecrations: A Postscript*. In his pamphlet, Fr. Sanborn bitterly attacked the opponents of the Thuc consecrations.

In the report he presented to the priests at their September 1988 meeting Fr. Sanborn had admitted:

It is true that Abp. Thuc was either insane, senile, or extremely gullible in order to have done the things that he did, but one cannot, for that reason assume that he did not know what he was doing while confecting sacraments. In the first place, no one has ever attested to the fact that he was in a habitual state of complete loss of reason.<sup>10</sup>

Yet, in his pamphlet, *The Thuc Consecrations: A Postscript*, he categorically declared that it was a mortal sin of calumny to suggest that Thuc was not mentally competent. He said: "Put simply, therefore, the objectors' charge that Abp. Thuc was not 'lucid' is calumny. It is a mortal sin to continue to repeat it."<sup>11</sup> Fr. Sanborn, no doubt, came to realize that Catholic Moral Theology does not require that it be proved that Archbishop Thuc "was in a

<sup>9</sup> Rev. Donald Sanborn, "Preface," *Sacerdotium III* (Pars Verna MCMXCII), p. 2.

<sup>10</sup> Rev. Donald Sanborn, *Report On Theological And Canonical Principles Governing The Consecration Of Bishop Guérard Des Lauriers*, [September 1988], p. 3.

<sup>11</sup> Rev. Donald Sanborn, *The Thuc Consecrations: A Postscript* (Madison Heights, MI: Catholic Restoration, [1993]), p. 8.

habitual state of complete loss of reason," to treat the Thuc consecrations in the practical order as if they were certainly invalid. It only requires that the doubts about mental competence be positive and objective. It was, therefore, necessary for Fr. Sanborn to distance himself from his former admission and to maintain that it was a sin for us to suggest what he himself had said in the past, namely, that Archbishop Thuc may not have had the full use of reason. But to suggest that it is a mortal sin to question the lucidity of Archbishop Thuc is little more than an attempt at moral intimidation.

### *A Gradual Imposition of MSM and Thuc Clergy*

In the meantime, Fr. Cekada and Fr. Dolan were preparing the people they served for their future alliance with the Mount St. Michael (MSM) group of Spokane, Washington, and its Thuc bishop, Mark Pivarunas. This required another 180-degree turn for Fr. Cekada because in his 1980 article on the Old Catholics, "A Warning On The Old Catholics: False Bishops, False Churches," he had characterized this group as a "sect." He had called it a "schismatic sect" and he had put it on his list of "Schismatic Churches." He had written of the founder: "Schuckardt formed his own sect . . ." <sup>12</sup> Fr. Cekada reversed himself on the question of this "schismatic sect" as he had done on the Thuc consecrations. And he transformed himself from critic to chief defender of the sect.

Fr. Dolan and Fr. Cekada floated the proverbial trial balloons. They even brought "Bishop" Pivarunas into the neighborhood, but not into the church. They set up a public meeting at which Pivarunas was to speak, but they did not attend. Rather, Fr. Thomas Fouhy was called upon to defend Pivarunas at the meeting. This is the same priest who left the priesthood, got "married," returned, became a defender of the Mount St. Michael sect and eventually got himself "consecrated." The gradualism worked. The trial balloons indicated that it was safe to proceed. The people softened to the idea of being associated with the Thuc-Mount

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<sup>12</sup> Rev. Anthony Cekada, "A Warning On The Old Catholics: False Bishops, False Churches," *The Roman Catholic II* (October 1980), pp. 14,19.

St. Michael bishop, Mark Pivarunas. Before long, the Mount St. Michael clergy were in the sanctuary of St. Gertrude the Great Church in Sharonville, Ohio; and not long after that, Mark Pivarunas was there, consecrating Fr. Dolan a Thuc bishop. This took place on November 30, 1993.

### *A Scandalous Affair*

Fr. Sanborn was conspicuously absent from the consecration of Fr. Dolan. He did not attend because it was a scandalous affair. According to Fr. Daniel Ahern, the only non-Mount St. Michael priest present was Fr. Cekada. In a May 30, 1994, letter to *Catholic Restoration*, Fr. Cekada accused Fr. Ahern of setting up a "false standard" by which he judged Mount St. Michael's. He suggested that from a theological point of view Fr. Ahern was guilty of "relapses into selective amnesia or chronic pomposity."<sup>13</sup>

Fr. Ahern responded in a letter dated August 26, 1994, which appeared in the same issue of *Catholic Restoration* as Fr. Cekada's letter. Fr. Ahern wrote: "In the past, MSM [Mount St. Michael] was a destructive cult, and Schuckardt's evil entered into the very marrow of the organization. The result was to make traditional Catholic doctrine and practice loathsome to people of good will; that is to scandalize them." He went on to say this about the organization of Mount St. Michael's clergy:

The CMRI cannot erase the past; nevertheless, they can dissociate themselves from an inherently scandalous organization; they can change its name and religious habits; they can repudiate evil persons and their ideas. . . . It is intriguing to note that Fr. Cekada was the only non-MSM priest present at Bishop Dolan's consecration last year, . . . .<sup>14</sup>

<sup>13</sup> Rev. Anthony Cekada to the Editor, *Catholic Restoration* IV (September-October 1994), pp. 49-50.

<sup>14</sup> Rev. Daniel Ahern, "Response to Fr. Anthony Cekada," *Catholic Restoration* IV (September-October 1994), p. 52.

Fr. Ahern did not attend the consecration of Fr. Dolan because it was scandalous. Fr. Sanborn refrained from going for the same reason despite his relationship with Fr. Cekada and Fr. Dolan. However, he acted quickly to minimize the potential damage to their growing association. He reportedly gave "Bishop" Dolan a very expensive pectoral cross, costing seven thousand dollars, to celebrate his scandalous consecration.

The stage was set for a formal alliance between "Bishop" Dolan and Fr. Sanborn. By June of 1995, Fr. Sanborn believed that the people he served were ready to accept a Thuc bishop. He had prepared them by a process of gradualism just as Fr. Dolan and Fr. Cekada had prepared the people in Sharonville. On page four of Fr. Sanborn's *Seminary Information* booklet, which he sends out to prospective seminarians, the question is posed: "Who will ordain me?" The answer he gives is: "The Most Rev. Daniel Dolan has agreed to ordain seminarians for Most Holy Trinity Seminary." Fr. Sanborn thus dropped all pretenses of not having a "personal stake in the issue of whether the Thuc consecrations are valid." He made plain his intentions and revealed that he really did have "plans to become involved with them."<sup>15</sup>

With this background we will proceed to evaluate the Thuc consecrations in the light of the Catholic principles of Canon Law and Moral Theology. We will apply these same principles to the consecration performed by Bishop Mendez.

Chapters 2 through 4 deal with the principles of Canon Law and Moral Theology which apply to episcopal consecrations that are done in private or secret. The average lay person might find these principles somewhat obscure and difficult to understand without some effort. They are, however, indispensable to a Catholic evaluation of the Thuc consecrations and the consecration done by Bishop Mendez. The reader might want to move on to Chapter 5 but will have to refer back to these principles from time to time to fully understand and properly evaluate the consecrations.

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<sup>15</sup> Sanborn, "Preface," p. 2.

## CHAPTER 2

# FOUR KEY PRINCIPLES

In his *Dictionary Of Scholastic Philosophy*, Fr. Bernard Wuellner defines a principle as “that from which something in some way proceeds.”<sup>1</sup> He goes on to explain the various kinds of principles. Under the entry “principle of law,” he says that a principle of law is “a general rule or precept of conduct.”<sup>2</sup> It is in this sense that we here talk about “The Principles”; and, we include under general rules or precepts of conduct (1) *general presumptions* that are presumptions “quoted by canonists and theologians”;<sup>3</sup> (2) *legal maxims*; (3) *principles of Moral Theology* and (4) *Church teachings* that are, at the same time, principles of Moral Theology.

To determine the status of a consecration that is done in private or secret, it is necessary to apply the relevant principles. Below are listed the four key principles that must be applied in the case of a private or secret consecration that has not been established as to fact and validity by the authority of the Church. These principles are used in such a case to determine the status of the consecration and the way it is to be treated in the practical order regarding Catholic morality. The first is a *general presumption*. The second is a *legal maxim*. The third is a *principle of Moral Theology*. The fourth is a *Church teaching* that is, at the same time, a principle

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<sup>1</sup> Bernard Wuellner, S.J., *Dictionary Of Scholastic Philosophy* (Milwaukee: Bruce Publishing Co., 1956), p. 97.

<sup>2</sup> *Ibid.*

<sup>3</sup> Rev. P.J. Lydon, D.D., *Ready Answers In Canon Law*, 4th ed., enl. and rev. (New York: Benziger Bros., 1954), p. 476.

of Moral Theology. First, we will examine these principles. Then, we will apply them to the Thuc consecrations and to the consecration done by Bishop Mendez.

The principles are:

- 1.) ". . . facts are not presumed (as certain), but must be proved." <sup>4</sup>
- 2.) ". . . the burden of proof rests upon him who makes the assertion." <sup>5</sup>
- 3.) "In a practical doubt about the lawfulness of an action one may never act." <sup>6</sup>
- 4.) "In conferring the Sacraments (as also in [the] Consecration in Mass) it is never allowed to adopt a probable course of action as to validity and to abandon the safer course." <sup>7</sup>

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<sup>4</sup> *Ibid.*

<sup>5</sup> William J. Doheny, C.S.C., J.U.D., Advocate and Procurator of the Tribunal of the Signatura Apostolica and of the Sacred Roman Rota, *Canonical Procedure in Matrimonial Cases*, vol. 1: *Formal Juridical Procedure*, 2d ed., rev. and enl. (Milwaukee: Bruce Publishing Co., 1948), p. 305.

<sup>6</sup> Rev. Heribert Jone, O.F.M. CAP., J.C.D., *Moral Theology* (Westminster, Maryland: Newman Press, 1958), p. 41.

<sup>7</sup> Henry Davis, S.J., *Moral and Pastoral Theology*, vol. 3: *Sacraments (I)*, 3d ed., rev. and enl. (London: Sheed & Ward, 1938), p. 27.

## CHAPTER 3

# PRINCIPLES 1 AND 2

### **Principle 1:**

**Facts Are Not Presumed (as Certain), but Must Be Proved**

#### ***Facts Must Be Proved***

In his April 1995 letter attacking Bishop Mendez, Fr. Sanborn refers to the consecration he performed as “an alleged episcopal consecration.” The consecration did in fact take place, but I do not disagree that it is appropriate to refer to such a consecration as an *alleged* consecration until such time as it becomes a proven fact. The same is true of the Thuc consecrations. For, as Principle 1 states: “Facts are not presumed (as certain), but must be proved.”<sup>1</sup> There are, however, certain exceptions to the rule. They include *notorious facts* and *presumptions of law*.

#### ***Notorious Facts***

*Notorious facts* are facts which “are so obvious and well substantiated that they need no further legal proof.” Such facts are notorious either by a notoriety *of law* or a notoriety *of fact*. The “irrevocable sentence of a competent ecclesiastical judge” is an example of a fact that is notorious by a notoriety of law. “A thing is notorious by notoriety of fact if it is publicly known and committed in such circumstances that it cannot be concealed by any

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<sup>1</sup> Rev. P.J. Lydon, D.D., *Ready Answers In Canon Law*, 4th ed., enl. and rev. (New York: Benziger Bros., 1954), p. 476.

subterfuge nor be excused by any legal device.”<sup>2</sup> The consecrations done by Archbishop Lefebvre in the presence of thousands of people, reported in the press and broadcast on world radio and television are certainly notorious in the canonical sense with a notoriety *of fact*.

### *Presumptions of Law*

Similarly, “presumptions of law need not be proved . . .”<sup>3</sup> These are “matters that are presumed by the law itself and hence need no proof.”<sup>4</sup> An example of such a legal presumption is “that a marriage is valid once it is contracted . . .”<sup>5</sup> The value of a legal presumption is that the one in whose favor the presumption stands does not bear the “burden of proof.” As Fr. Lydon puts it: “A person in whose favor there is a legal presumption is free from the *onus probandi* [burden of proving]; it falls on his opponent.”<sup>6</sup>

The consecrations that were done by Archbishop Thuc are not notorious in the sense that they are not “so obvious and well substantiated that they need no further legal proof.” Neither do they enjoy a presumption of law. The same is true with regard to the consecration that was done by Bishop Mendez. The fact of these consecrations is not presumed as certain but must be proved.

### **Principle 2: The Burden of Proof Rests upon Him Who Makes the Assertion**

The first principle tells us that facts are not presumed as certain but must be proved. The second principle tells us upon

<sup>2</sup> William J. Doheny, C.S.C., J.U.D., Advocate and Procurator of the Tribunal of the Signatura Apostolica and of the Sacred Roman Rota, *Canonical Procedure in Matrimonial Cases*, vol. 1: *Formal Juridical Procedure*, 2d ed., rev. and enl. (Milwaukee: Bruce Publishing Co., 1948), p. 303.

<sup>3</sup> John A. Abbo, S.T.L., J.C.D. and Jerome D. Hannan, A.M., LL.B., S.T.D., J.C.D., *The Sacred Canons*, rev. ed., 2 vols. (St. Louis: B. Herder Book Co., 1952), vol. 2, p. 765.

<sup>4</sup> Doheny, *Canonical Procedure in Matrimonial Cases*, vol. 1, p. 303.

<sup>5</sup> Lydon, *Ready Answers In Canon Law*, p. 475.

<sup>6</sup> *Ibid.*

whom the burden of proof rests. Fr. Doheny says: "One of the oldest legal maxims is that the burden of proof rests upon him who makes the assertion."<sup>7</sup> Frs. Abbo and Hannan put it this way: "The burden of proving an assertion rests on him who makes it . . ."<sup>8</sup> The burden of proof, therefore, rests on those who affirm the Thuc consecrations or the consecration that was done by Bishop Mendez.

### Practical Consequences of Principles 1 and 2

From the first two principles we know that an episcopal consecration that is done in private or in secret is a fact that must be proved. It must be proved because such a consecration is neither a notorious fact nor one which enjoys a presumption of law. It is thus a fact that is "not presumed (as certain), but [one that] must be proved." And the burden of proof rests with the one who affirms it. Until such time as the burden of proof is met, the fact of such a consecration is not presumed. Therefore, it is an uncertain fact and hence a dubious fact.

#### *The Proof Required*

To make an uncertain fact a certain fact, proof is necessary. An episcopal consecration that is done in private or in secret is an uncertain fact. To make it a certain fact, proof is thus required. But not only is proof required, it must be the kind of proof that is specified by the Church – as opposed to the kind that is most convenient to produce. As Fr. Eugene Sullivan says in his *Proof Of The Reception Of The Sacraments*: "The form of proof which he must present will not be that which is most convenient for him to secure, but the particular one stipulated by official precept."<sup>9</sup> The form of proof that is "stipulated by official precept" for ordination to the priesthood and for episcopal consecration is documentary proof.

<sup>7</sup> Doheny, *Canonical Procedure in Matrimonial Cases*, vol. 1, p. 305.

<sup>8</sup> Abbo and Hannan, *Sacred Canons*, vol. 2, p. 765.

<sup>9</sup> Rev. Eugene H. Sullivan, S.T.L., J.C.L., *Proof Of The Reception Of The Sacraments*, Canon Law Studies no. 209 (Washington, D.C.: Catholic University Of America Press, 1944), p. x.

### *Documentary Proof*

In his "Foreward" to *Proof Of The Reception Of The Sacraments*, Fr. Sullivan says:

The question which is treated here entails an investigation of the various agencies of proof which the law makes available for one who is called upon to establish, with convincing evidence, the fact that he has received this or that sacrament. If the legislator is to demand proof of this reception at a later date, then it logically follows that the law must determine what shall constitute adequate evidence of this fact and further must provide some stable agency of proof to which one may appeal. Canon Law fulfills the latter duty by its regulations governing the maintenance of official records of the administration of the sacraments.<sup>10</sup>

The official records thus constitute authentic documentary proof of the reception of the Sacraments. Fr. Sullivan says:

Under the law of the Code [of Canon Law] provision is made for authentic documentary evidence of the reception of the sacrament of Holy Orders. This evidence is in the form of an official record of ordination which is conserved in the respective diocesan curias.<sup>11</sup>

### *Public Documents*

The "official record of ordination," which is authentic documentary proof, is what is known as a public document. Public documents are dealt with in Canons 1812 and 1813. "A *public document* is one composed by an official in his official capacity, with due observance of the prescribed formalities, or at least in

<sup>10</sup> *Ibid.*, p. ix.

<sup>11</sup> *Ibid.*, p. 116.

official style.”<sup>12</sup> Examples of public documents are “records of baptism, confirmation, ordination, religious profession, marriage, and death, which are preserved in the Curia, or the parish, or the religious organization; also written attestations taken from the said records made by pastors, or Ordinaries, or ecclesiastical notaries, and authentic copies of them . . . .”<sup>13</sup>

### *Private Documents*

There is another kind of document called a private document. Private documents are also dealt with in Canons 1812 and 1813. “A *private document* is a writing executed by private persons or by officials in their private capacity only.”<sup>14</sup> Examples of “private documents are letters, contracts, last wills, and any other writings made by private persons.”<sup>15</sup>

### *The Force of Public and Private Documents*

As to the legal force of documents, public documents prove what they affirm. Fr. P. Chas. Augustine, the renowned canonist, says: “They *prove* what is directly and principally affirmed in them.”<sup>16</sup> Abbo and Hannan say: “All public documents establish the facts which they directly and primarily report.”<sup>17</sup> Private documents, on the other hand, do not have the same juridical effect as public documents unless, according to Fr. Augustine, they are *authentic* private documents. He says:

So far as the *juridical effects* are concerned, there is no difference between a public

<sup>12</sup> Rev. P. Chas. Augustine, O.S.B., D.D., *A Commentary On The New Code Of Canon Law*, 3d ed., 8 vols. (St. Louis: B. Herder Book Co., 1925-1931), vol. 7, p. 254.

<sup>13</sup> Rev. Stanislaus Woywod, O.F.M., LL.B., *A Practical Commentary On The Code Of Canon Law*, rev. by Rev. Callistus Smith, O.F.M., J.C.L., rev. and enl. ed. of combined vols. 1 and 2 (New York: Joseph F. Wagner, 1962), vol. 2, p. 359.

<sup>14</sup> Augustine, *Commentary on Canon Law*, vol. 7, p. 254.

<sup>15</sup> Woywod and Smith, *Practical Commentary on Canon Law*, vol. 2, p. 359.

<sup>16</sup> Augustine, *Commentary on Canon Law*, vol. 7, p. 259.

<sup>17</sup> Abbo and Hannan, *Sacred Canons*, vol. 2, p. 768.

and an authentic document, because every public document is authentic, but not conversely. *Private documents may also be authentic, and if they are, they produce the same juridical effect as public documents.* [Emphasis added.]<sup>18</sup>

All public documents are regarded as authentic. Private documents may or may not be authentic. If they are authentic, "they produce the same juridical effect as public documents." But how do private documents become authentic? Fr. Augustine says:

It may be worth while to state some of the marks which render private documents authentic. *A private document may become authentic by the signature of one's own hand, together with the signature of three living witnesses* [emphasis added], or by affixing to it the official seal of a public (ecclesiastical or civil) magistrate, by being found in the public archives, by long-standing recognition, or by custom.<sup>19</sup>

A private document that has "the signature of three living witnesses" is an *authentic* private document. As such, as Fr. Augustine says, it produces "the same juridical effect as" a "public document." Such authentic private documents, therefore, "*prove* what is directly and principally affirmed in them." As in the case of public documents, they "establish the facts which they directly and primarily report."<sup>20</sup> From the point of view of proof, public documents constitute conclusive proof of what they directly and primarily affirm. If a public document affirms that someone was baptized, married, ordained or consecrated, the fact is established. According to Fr. Augustine, the same is true of authentic private documents. Thus, a private document testifying to the fact of an

<sup>18</sup> Augustine, *Commentary on Canon Law*, vol. 7, p. 255.

<sup>19</sup> *Ibid.*

<sup>20</sup> Abbo and Hannan, *Sacred Canons*, vol. 2, p. 768.

episcopal consecration and signed by the bishop in the presence of three witnesses would be an *authentic* private document and would establish the fact that the consecration took place.

### *Testimonial Evidence*

The only means explicitly provided for in the Code of Canon Law for proving the reception of Holy Orders is authentic documentary evidence. Fr. Sullivan says: "Under the law of the Code provision is made for authentic documentary evidence of the reception of the sacrament of Holy Orders." <sup>21</sup> He goes on to say: "There is no canon in the Code which makes provision for substantiating the reception of holy orders in any way other than by the evidence of documents." <sup>22</sup> The question therefore arises: What happens if the documents are lost or destroyed? Is it possible to prove the reception of Holy Orders in some other way?

The recognized experts in Canon Law say "yes." They say that the reception of Holy Orders may also be proved by testimonial evidence even though the Code does not provide for this. They arrive at this conclusion by drawing an analogy from Canons 779 and 800 which provide for proof of the reception of Confirmation and Baptism by testimonial evidence. Canonists say that if the reception of these Sacraments can be proved by the testimony of witnesses so also may the reception of Holy Orders be proved by the testimony of witnesses.

### *Witnesses*

A qualified witness (*testis qualificatus*) is someone who testifies to something in virtue of his office. The testimony of one such "qualified witness" is sufficient to establish the fact of the reception of Holy Orders. Fr. P.J. Lydon says:

The statement of a "testis qualificatus" [i.e., a qualified witness] who testifies to something done *ex officio* by himself is generally accepted as

<sup>21</sup> Sullivan, *Proof*, p. 116.

<sup>22</sup> *Ibid.*, p. 121.

sufficient . . . . A qualified witness is a public official of Church or State who takes an oath of office. The document should bear the seal.<sup>23</sup>

In the absence of such testimony, the testimony of two or three absolutely trustworthy witnesses may be used to prove the reception of Holy Orders. Woywod and Smith say:

The deposition of one witness does not constitute full proof, unless he is a so-called qualified witness who testifies as to things done in his official capacity (e.g., a pastor in reference to his pastoral duties or functions). If two or three absolutely trustworthy witnesses testify in court under oath as to some affair or fact, and do so of their own personal knowledge and their testimony is strictly concordant, it is considered sufficient proof. If, however, in view of the very serious nature of an affair or because of indications which create doubt as to the truth of things asserted, the judge believes it necessary, he may demand more complete proofs (**Canon 1791**).<sup>24</sup>

#### *Evaluating the Testimony*

In evaluating testimonial evidence an ecclesiastical judge is directed by the Code of Canon Law to keep certain things in mind. Woywod and Smith say:

In weighing the depositions of witnesses the judge shall keep in view the following points:

- (1) the status of the witness, his reputation for probity, and the position he holds (ecclesiastical or civil);
- (2) whether his testimony is based on

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<sup>23</sup> Lydon, *Ready Answers In Canon Law*, p. 600.

<sup>24</sup> Woywod and Smith, *Practical Commentary on Canon Law*, vol. 2, p. 354.

personal knowledge, especially sight or hearing, or whether it is based on rumor, public report, or things which he heard from others;

(3) whether the testimony is consistent and coherent or contradictory, uncertain, and vacillating;

(4) whether other witnesses corroborate the testimony, or it is unsupported (**Canon 1789**).<sup>25</sup>

From the provisions laid down in Canon Law for ecclesiastical judges concerning the question of evaluating the testimony of witnesses, we may thus discern the mind of the Church in the matter of what constitutes credible testimony. Thus, the factors that determine the value of testimony are basically a witness' *reputation for probity* and the character of his testimony. To be a credible witness, in the view of the Church, he must give testimony that is consistent and coherent as opposed to testimony that is contradictory, uncertain or vacillating. If the testimony is "uncertain," it is to be rejected. In certain very serious matters three or four such witnesses may be required to establish a fact.

The testimony of a qualified witness, then, or that of two or three absolutely trustworthy witnesses, whose testimony is consistent, coherent and certain, may be used to establish the fact of the reception of Holy Orders and hence of an episcopal consecration.

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<sup>25</sup> *Ibid.*

## CHAPTER 4

# PRINCIPLES 3 AND 4

### Principle 3: In a Practical Doubt About the Lawfulness of an Action One May Never Act

If someone is theorizing about the solution to some theological problem that has not been decided by the Church and that has no practical application for him, the doubt he has as to the solution to the problem is a *speculative doubt*. But if he is thinking about performing some action and is trying to figure out if it is or is not a sin, the doubt he has as to the morality of the action is a *practical doubt*. Fr. Davis says:

If I doubt only in the abstract and speculatively, my doubt is speculative; if I am in doubt, here and now, as to the morality of a given concrete act which I am about to perform or to continue, my doubt is said to be a practical doubt.<sup>1</sup>

When one has a practical doubt about the morality of an action he is about to perform, he must refrain from acting until he solves the practical doubt. Fr. Davis says:

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<sup>1</sup> Henry Davis, S.J., *Moral and Pastoral Theology*, vol. 1: *Principles*, 3d ed., rev. and enl. (London: Sheed & Ward, 1938), p. 69.

Obviously, I may not act in such circumstances, because I must act with a certain conscience, that is, with a conscience morally certain of the rectitude of a given act. If I did not wait for certainty but acted in doubt, I should be placing myself, quite deliberately, in the way of doing what my conscience cannot certainly approve.<sup>2</sup>

Hence the principle: “**In a practical doubt** about the lawfulness of an action one may never act.”<sup>3</sup> Thus, until one determines the morality of the contemplated act, one must not act. To overcome the practical doubt, one must find out if the contemplated act is or is not a sin. To determine if something is a sin or not, one consults the moral law and the teaching of the Church. In matters that have not been definitively settled by the Church, one consults accepted moral theologians. Beyond that, and in the absence of a definite answer to the moral question – for example, may we accept the Thuc consecrations or the consecration done by Bishop Mendez? – one applies the principles provided by Canon Law and Moral Theology, as we will do.

In this we touch on something that is essential to Catholic moral teaching; that is to say, we touch on the fact that it is necessary to conform one’s conscience and behavior to an objective norm of morality. When we conform our conscience to the objective norm of morality, we have what is called a *true* conscience. It is something we must always strive to attain. For there is in human nature the tendency to decide what is right and wrong not on the basis of the objective norm of morality but on some subjective standard or need. In such cases it is not knowledge and reason that rules but ignorance and passion. As Fr. Davis puts it:

The true conscience, viz., that which tells one to do what is *de facto* in conformity with objective law,

<sup>2</sup> *Ibid.*

<sup>3</sup> Rev. Heribert Jone, O.F.M. CAP., J.C.D., *Moral Theology* (Westminster, Maryland: Newman Press, 1958), p. 41.

is the conscience that all men of good will strive to acquire by repeated reflection and moral education, thus preventing ignorance from misleading them and passion from anticipating reason.<sup>4</sup>

It is the duty of all men in general and of Catholics in particular to form true and certain consciences before acting. For the principle is: "**In a practical doubt** about the lawfulness of an action one may never act."<sup>5</sup>

**Principle 4:**  
**In Conferring the Sacraments It Is Never  
 Allowed to Adopt a Probable Course of Action  
 as to Validity and to Abandon the Safer Course**

***Following the Safer Course***

To understand what is meant by "a probable course of action" and "the safer course," it is necessary to understand something about the subject of *moral certitude*.

There are different kinds and degrees of certitude. Certitude may be metaphysical, physical or moral. *Metaphysical certitude* is the certitude with which self-evident truths are known, such as the truth that a thing cannot be true and false at the same time in the same way. Also, "the demonstrative sciences, such as geometry, possess metaphysical certitude."<sup>6</sup> *Physical certitude* is a certitude that is based on the laws of nature, e.g., that we will all eventually die or that food sustains life. *Moral certitude* is the kind of certitude we need to act without fear of sinning. It is divided into *perfect* or *strict* moral certitude and *imperfect* or *wide* moral certitude.<sup>7</sup>

<sup>4</sup> Davis, *Moral and Pastoral Theology, Principles*, pp. 68-69.

<sup>5</sup> Jone, *Moral Theology*, p. 41.

<sup>6</sup> M. J. Ryan, "Certitude," *The Catholic Encyclopedia*, Charles G. Herbermann et al., eds., 15 vols. and index (New York: Encyclopedia Press, 1913), vol. III, p. 540.

<sup>7</sup> Dominic M. Prümmer, O.P., *Handbook Of Moral Theology*, trans. Rev. Gerald W. Shelton, ed. Rev. John Gavin Nolan (New York: P.J. Kenedy & Sons, 1957), p. 62.

The difference between *perfect* or *strict* moral certitude and *imperfect* or *wide* moral certitude is that the former provides a greater degree of certitude than does the latter. Ordinarily, *imperfect* or *wide* moral certitude is sufficient to act without fear of sinning. But in some cases it is not sufficient. In some cases *perfect* or *strict* moral certitude is required, as, for example, when it comes to the validity of the Sacraments. As Fr. Andrew Browne says:

**Ordinarily wide moral certitude** (which exists even though there is some slight probability of error) is sufficient.

“In casibus periculosis” [i.e. *in dangerous cases* involving certain very grave matters], however, **strict moral certitude**, (which allows a **possibility** but not a **probability** of error) is required. Such cases would be – when there is question of the validity of a Sacrament . . .<sup>8</sup>

### ***Perfect Moral Certitude and the Safer Course***<sup>9</sup>

In the case of *imperfect* moral certitude, there is “some slight probability of error.” Such is the case with “well-founded” opinions of recognized moral theologians in matters that have not been definitively settled by the authority of the Church. In ordinary matters such certitude is sufficient to act without fear of sinning. But in matters involving the validity of the Sacraments, such certitude is not sufficient. In these matters one must have *perfect* moral certitude to act without fear of sinning. For, *perfect* moral certitude provides a greater degree of certitude than *imperfect* moral certitude. Furthermore, to say that one must have *perfect* moral certitude to act without fear of sinning, when it comes to the validity of the Sacraments, is simply to say that, in such matters,

<sup>8</sup> Andrew F. Browne, C.S.S.R., *Handbook Of Notes On Theology* (St. Louis: Redemptorist Fathers, 1940), pp. 2-3.

<sup>9</sup> It should be noted that all theologians do not use the terms *wide* and *strict* moral certitude in exactly the same way even though they make the same basic distinctions. To avoid any confusion in this regard, we will use Fr. Dominic M. Prümmer's distinction of *perfect* and *imperfect* moral certitude.

one must follow the *safer course*. This is the teaching of all Catholic moralists and of the Church. Fr. Davis says:

In conferring the Sacraments . . . it is never allowed to adopt a probable course of action as to validity and to abandon the safer course. The contrary was explicitly condemned by Pope Innocent XI.<sup>10</sup>

To “adopt a probable course of action” and “to abandon the safer course,” when it comes to the validity of the Sacraments, would be to expose the Sacraments to the danger of invalidity. Fr. Jone says:

In administering the Sacraments one must, out of reverence due to the Sacrament, and often out of justice and charity, decide in favor of the opinion that safeguards the validity of the Sacrament.<sup>11</sup>

### *The Consequences of Abandoning the Safer Course*

To abandon the *safer course* and “to adopt a probable course of action,” as Fr. Davis says above, when it comes to the validity of the Sacraments, is a grave sin. In the case of the *necessary* Sacraments,<sup>12</sup> it is a triple mortal sin. It is a mortal sin of sacrilege, a mortal sin against charity and a mortal sin against justice. As Fr. Davis says:

In conferring the Sacraments (as also in Consecration in Mass) it is never allowed to adopt a probable course of action as to validity and to

<sup>10</sup> Henry Davis, S.J., *Moral and Pastoral Theology*, vol. 3: *Sacraments (I)*, 3d ed., rev. and enl. (London: Sheed & Ward, 1938), p. 27.

<sup>11</sup> Jone, *Moral Theology*, p. 43.

<sup>12</sup> A Sacrament may be necessary either “absolutely and of its nature, as Baptism, or relatively and in respect of the good of others, as Ordination, absolution, Extreme Unction.” (Davis, *Moral and Pastoral Theology, Sacraments (I)*, p. 25.)

abandon the safer course. . . . To do so would be a grievous sin against religion, namely, an act of irreverence towards what Christ our Lord has instituted; it would be a grievous sin against charity, as the recipient would probably be deprived of the graces and effect of the Sacrament; it would be a grievous sin against justice, as the recipient has a right to valid Sacraments, whenever the minister, whether *ex officio* or not, undertakes to confer a Sacrament. In the necessary Sacraments, there is no doubt about the triple sin; in Sacraments that are not necessary, there will always be the grave sacrilege against religion.<sup>13</sup>

*Imperfect* moral certitude about the fact and validity of an episcopal consecration is not a sufficient basis to accept it in the practical order as certainly valid because *imperfect* moral certitude, when it comes to the validity of the Sacraments, is merely "a probable course of action." The kind of moral certitude that is required when it comes to the validity of the Sacraments is *perfect* moral certitude. If it is less than *perfect* moral certitude, the consecration must be rejected in the practical order because the principle is that "in conferring the Sacraments . . . it is never allowed to adopt a probable course of action as to validity and to abandon the safer course."<sup>14</sup>

<sup>13</sup> Davis, *Moral and Pastoral Theology, Sacraments (I)*, p. 27.

<sup>14</sup> *Ibid.*

## CHAPTER 5

# THE CASE OF ARCHBISHOP THUC

### *Documentary Proof*

The Thuc consecrations were done in secret. Therefore, according to the first two principles, they must be proved and the burden of proof rests with those who affirm them. The kind of proof that is required by the Church is authentic documentary proof or testimonial evidence.

The consecrations that we are concerned with are those of Fr. Guérard des Lauriers, Fr. Moises Carmona and Fr. Adolfo Zamora. We are not concerned with the Palmar de Troya consecrations nor with the consecrations of non-Catholics. These do not, at this time, pose a threat to the faithful in this country. The question we must first ask is this: Is there authentic documentary proof for the consecrations of Frs. des Lauriers, Carmona and Zamora? The answer is "no." There is no authentic documentary proof for any of these consecrations. Is there any documentary proof at all? For years we were told that there were no documents signed by Archbishop Thuc. Thus Fr. Jenkins wrote to Fr. Sanborn in his *Open Appeal*:

Fr. Sanborn, during our lengthy discussion at the church in Warren, Michigan, in September of 1991, you assured me that all of Archbishop Thuc's consecrations were done the same way. I

asked if that meant Archbishop Thuc issued no documents or certificates after any of his consecrations. You assured me that he did not.<sup>1</sup>

Then in 1993 a document appeared. It was allegedly written by Archbishop Thuc and signed in the presence of Dr. Hiller and Dr. Heller testifying to the consecration of Fr. Moises Carmona Rivera on October 17, 1981. Fr. Sanborn refers to this document in his pamphlet *The Thuc Consecrations: A Postscript*. He says: “The Archbishop wrote it out by hand in Latin on his stationery, signed it himself and then had it signed by the two professors who were present at the ceremony.”<sup>2</sup> Fr. Sanborn gives an English translation of the document in the body of his article and the Latin in a footnote. The dates of the English and Latin texts, however, do not exactly correspond.

In his pamphlet, Fr. Sanborn argues that the question of documents is basically irrelevant because no traditional priest has the authority to establish an “official record.” He says:

*No sacramental certificate or record issued by a traditional priest or bishop is “official.” “Official” means someone with *ordinary jurisdiction* signed the certificate or kept the register, i.e., someone from the chancery of the local diocese. Frs. Kelly and Jenkins fail to understand that there is an essential difference between a document and an *official* document. . . .*

Since we are living in a time of crisis, and since we are not going through the normal channels to obtain sacraments, but extraordinary ones, it is obviously impossible that we obtain *official* documents. I know of no traditional priest or bishop who has an official document of his ordination, but only an *informal* document from the

<sup>1</sup> Rev. William W. Jenkins, *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn* (Oyster Bay, N.Y.: The Society of St. Pius V [1993]), p. 17.

<sup>2</sup> Rev. Donald J. Sanborn, *The Thuc Consecrations: A Postscript* (Madison Heights, MI: Catholic Restoration, [1993] ) pp. 2-3.

ordaining bishop, which is not even sworn, amounting to nothing more than a personal attestation.<sup>3</sup>

Fr. Sanborn is mistaken on a number of points. In the first place, Fr. Sanborn says: “[An] ‘Official’ [document] means someone with ordinary jurisdiction signed the certificate or kept the register.” It is not necessary to have ordinary jurisdiction to issue an official document. Ecclesiastical notaries issue them all the time without having ordinary jurisdiction.<sup>4</sup>

In the second place, Fr. Sanborn refers to documents as “official” and “informal.” Fr. Sanborn’s distinction between “official” and “informal” documents is not to be found anywhere in the Code of Canon Law. The Code deals with documents and documentary proof in Canons 1812 through 1824. What is found there is the distinction between *public* documents and *private* documents (Canon 1812). Official records are public documents which are therefore authentic documents. Private documents are divided into purely private documents and *authentic* private documents.

In the third place, all private documents are not the same, as Fr. Sanborn suggests. Nor do they all amount “to nothing more than a personal attestation.”<sup>5</sup> It is a serious error to reduce all *private* documents (*informal* documents for Fr. Sanborn) to the same level as Fr. Sanborn does. Private documents may be

<sup>3</sup> *Ibid.*, pp. 3-4.

<sup>4</sup> To have ordinary jurisdiction, one must possess an office in the strict sense. Abbo and Hannan say: “The office of notaries is not an ecclesiastical office in the strict sense.” But:

“Ordinary power of jurisdiction is that which the law itself attaches to an office; . . .

a) The very nature of ordinary jurisdiction requires two essential elements:

1) an *office* in the strict sense, i.e., a sacred function permanently established by divine or ecclesiastical ordinance, e.g., the episcopate, the cardinalate;

2) the *union* of the jurisdiction with the office by either divine or ecclesiastical law.” (Abbo and Hannan, *Sacred Canons*, vol. 1, p. 253.)

<sup>5</sup> Sanborn, *Postscript*, p. 4.

*authentic* documents. If a private document is an *authentic* document, it then has the same weight as a public document, as we mentioned. It proves what it affirms. An *authentic* private document “prove[s] what is directly and principally affirmed.”<sup>6</sup> Private documents that are not authentic do not constitute such proof. (See Chapter 3, *Documentary Proof*.)

### *The Value of the One Thuc Document*

The one document allegedly signed by Thuc was signed in the presence of *two* witnesses. To be an *authentic* document, *three* witnesses are required. Therefore, even apart from any other consideration, it does not “produce the same juridical effect as public documents.”<sup>7</sup> It is not an *authentic* private document. It does not “prove what is directly and principally affirmed.”<sup>8</sup> The document does not “establish the facts which [it] . . . directly and primarily report[s].”<sup>9</sup>

While private documents that are not authentic do not “produce the same juridical effect” as a public document, they do, as a rule, have a certain value. That value is determined by a number of factors. Among them are included the credibility and the mental stability of the author of the document. As Fr. Sanborn said:

“Furthermore, documents are only instruments of testimony, and, as such, have no more or less weight than the credibility of the person testifying orally.”<sup>10</sup>

### *The Credibility of Archbishop Thuc*

What is the credibility of Archbishop Thuc? And what about

<sup>6</sup> Rev. P. Chas. Augustine, O.S.B., D.D., *A Commentary On The New Code Of Canon Law*, 3d ed., 8 vols. (St. Louis: B. Herder Book Co., 1925-1931), vol. 7, p. 259.

<sup>7</sup> *Ibid.*, p. 255.

<sup>8</sup> *Ibid.*, p. 259.

<sup>9</sup> John A. Abbo, S.T.L., J.C.D. and Jerome D. Hannan, A.M., LL.B., S.T.D., J.C.D., *The Sacred Canons*, rev. ed., 2 vols. (St. Louis: B. Herder Book Co., 1952), vol. 2, p. 768.

<sup>10</sup> Rev. Donald Sanborn, quoted in Jenkins, *Open Appeal*, p. 17.

his mental stability? We will deal with the mental state of Archbishop Thuc further on. As to his credibility, when one considers his actions from the end of 1975 until his death one must confess that it is not very great. In his "Assessment" at the end of his 1983 article on Thuc and his bishops, Fr. Cekada said:

One theme which dominates the affair from beginning to end is a gross and dangerous lack of prudence regarding the transmission of Apostolic Succession – a matter in which the slightest lack of prudence is inadmissible. St. Paul reminds us: "Lay not hands lightly on any man" – he does not say: "Lay hands quickly on anyone." <sup>11</sup>

A credible person is one who is worthy of belief and confidence. An Archbishop who exercised "a gross and dangerous lack of prudence regarding the transmission of Apostolic Succession"; who regularly bestowed episcopal consecration on the most unworthy non-Catholics that one could find; who acted in a "bizarre" fashion, to use Fr. Sanborn's word, from 1975 to the end of his life in 1984 is not a credible person. As Fr. Cekada said:

Mgr. Ngo's actions from 1975 onward do not inspire a great deal of confidence in his judgment or in his prudence: the Palmar affair, the promises made and promises broken to the Vatican, the involvement with "Old Catholics," concelebrating the New Mass while claiming he really wasn't, then consecrating someone who believes the New Mass is invalid. While everyone is entitled to a few mistakes, one is forced to say that those made by Mgr. Ngo were very grave indeed – objectively, they were inexcusable, especially for a bishop with great pastoral experience and a brilliant academic background in theology, philosophy and canon law.<sup>12</sup>

<sup>11</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic* V (January 1983), p. 16.

<sup>12</sup> *Ibid.*, pp. 7-8.

*The Consecration of Strangers*

Nor is that the whole of it. Even the consecration about which the document testifies, that of Fr. Carmona, compels us to wonder about the credibility of Archbishop Thuc. He did not even know Fr. Carmona. Fr. Carmona and Fr. Zamora, who was with him, were complete strangers to Thuc. We know this from an interview that was conducted with Thuc on January 7, 1982, by Fr. Noel Barbara and a Fr. Barthe of the association *Union pour la Fidélité*. A summary of the written notes of the interview was later published in Fr. Barbara's review *Fortes in Fide*. Speaking of Fr. Carmona and Fr. Zamora, Archbishop Thuc said:

I didn't know them. There were two Germans, Heller and Hiller, who brought them to me and asked that I consecrate them. I had confidence in these two gentlemen because I knew Mr. Heller. He is a very fine person. I knew him because he asked me to confirm his little daughter and I had confirmed her. These Germans are very generous.<sup>13</sup>

To put it mildly, it is nothing less than astounding that a Catholic Archbishop and former seminary professor with three doctorates, who was in his right mind, however liberal that mind may have been, would bestow episcopal consecration on two priests he "didn't know" at the request of two laymen regardless of how generous they may have been.

In his 1983 article on the Thuc bishops, Fr. Cekada said that Dr. Hiller and Dr. Heller "had need of his [Thuc's] episcopal ministrations . . . and, presumably, provided him with some sort of material support."<sup>14</sup> Thuc says: "These Germans are very

<sup>13</sup> Rev. Noel Barbara, "The Episcopal Consecrations Conferred by His Excellency Archbishop Peter-Martin Ngo Dinh Thuc," *Fortes in Fide* 12 (1er trimestre 1993), pp. 36-37.

<sup>14</sup> Cekada, "Two Bishops," p. 8.

generous." Was that his motive? Did he do the consecrations for Hiller and Heller because they were "very generous"?<sup>15</sup>

*A Suggested Motive of Money*

It is not my intention to imply that the mere giving of money to Archbishop Thuc was wrong in itself. It may be that Dr. Hiller and Dr. Heller were, in fact, generous. It may be that they had real compassion for Archbishop Thuc. Yet, one cannot ignore the fact that it was Dr. Hiller himself who suggested that Thuc consecrated non-Catholics for money. He suggested this during our February 1988 interview. Consider the following exchange that took place between Dr. Hiller and me. The context is the claim by Dr. Hiller that Archbishop Thuc was careful about those he chose to consecrate and that he was solid in the Faith.

**Fr. Kelly:**

But, if he [i.e., Archbishop Thuc] was so solid in the faith, why would he consecrate an Old Catholic?

**Dr. Hiller:**

When you see, had seen, the personal situation it's not an exculpation from [sic] him absolutely, but it is an explanation. When you had seen the personal situation he left in Toulon, a lot of things would be clear.

**Fr. Kelly:**

Do you know what I mean by an Old Catholic?

**Dr. Hiller:**

Yes.

<sup>15</sup> Barbara, "Episcopal Consecrations," p. 37. Thuc went on to say: "The two Germans assisted. They had brought along everything that was necessary for the consecration. During the ceremony, they held the candles." [*Ibid.*] One must, of course, wonder how they were able to hold candles and at the same time assist at a ceremony of episcopal consecration which is a very complex ceremony.

Fr. Kelly:

That's a Catholic who is not a Roman –

Dr. Hiller:

Yes, yes, I know. I know. You see, Thuc was absolutely poor. He had nothing to live [on], quite nothing. He was living in a very small room in a small street in Toulon in the first floor, and he had a small room and, nearby, a kitchen and the toilet in the kitchen. And then he had had five cats with him and the cats lived every time in this rooms, [sic] the windows had been closed with –

Interpreter:

With hangings?

Dr. Hiller:

Yes, with hangings. Because the cats probably would be, would not come back . . . So, you can understand there is a very *triste* [depressing] atmosphere there. Had he had had here his desk where he wrote the Mass every morning and –

Fr. Kelly:

What did he do with the cats?

Dr. Hiller:

Yes, he lived with them.

Fr. Kelly:

When he said Mass, I mean?

Dr. Hiller:

The cats . . . around very . . . But when other people were standing there the cats were excited. . . . They were like children to him, and when he was lying on his sofa there, the cats were lying round him – sleeping . . .<sup>16</sup>

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<sup>16</sup> Recorded interview, Dr. Kurt Hiller, February 10, 1988, Munich, Germany. Ellipsis points ( . . . ) have been used to indicate where the words of the recording are undiscernible.

*Doing and Saying as Those Around Him*

What then is the value of this one document signed by Thuc? As Fr. Sanborn said, it has “no more or less weight than the credibility of the person testifying orally.”<sup>17</sup> In the case of Archbishop Thuc that credibility is not very great. He seemed to do and say what those around him wanted him to do and say. He acted as if he did not have a mind of his own. When he was under the influence of the *Novus Ordo* clergy, he did and said what they wanted. When the Old Catholics came to him for episcopal consecration, he did what they wanted. When under the influence of Hiller and Heller, he accommodated them. Then, when he was back under the influence of the *Novus Ordo*, he did what they wanted and repudiated what he had done and said under the influence of Hiller and Heller. Consider the following:

Shortly before Christmas of 1975 a priest showed up, told Thuc that the Blessed Virgin Mary had sent him to fetch him and bring him back to Spain. In his autobiography, Archbishop Thuc said that he “was preparing the Christmas Crib on the vigil of Christmas” when a priest whom he had previously met “presented himself.”<sup>18</sup> Thuc wrote: “He said to me point-blank: ‘Excellency, the Holy Virgin sends me to bring you immediately to the heart of Spain to render her a service. My car is waiting at the door of the rectory and we will leave right away in order to be there on Christmas Day.’”<sup>19</sup> Archbishop Thuc packed his bag. He wrote: “. . . I called the sacristan and asked him to tell the pastor about Christmas Mass, telling him that I was going to France because of urgent family matters and that I would return immediately in two weeks.”<sup>20</sup> It is not clear why Archbishop Thuc lied to the sacristan

<sup>17</sup> Rev. Donald Sanborn, quoted in Jenkins, *Open Appeal*, p. 17.

<sup>18</sup> Archbishop Peter Martin Ngo Dinh Thuc, “Misericordias Domini in Aeternum Cantabo: Autobiography of Archbishop Peter Martin Ngo-Dinh-Thuc, Archbishop of Hue,” *The Seraph* IV (May 1984), pp. 10, 14.

<sup>19</sup> *Ibid.*, p. 14.

<sup>20</sup> *Ibid.*

about his destination or his purpose. But he did lie and off he went to Spain.

Soon afterwards, he ordained unqualified laymen and consecrated five bishops. He later justified this, saying that it had something to do with the bilocation of Paul VI. A decree was issued by the Vatican on September 17, 1976, saying that Thuc was excommunicated. In a short time Thuc reconciled himself to the Vatican and renounced what he had done at Palmar de Troya. But within a few months, he consecrated the head of a non-Catholic sect who was, according to Fr. Barbara, a known homosexual who had been previously consecrated by schismatic bishops at least three times and perhaps as many as five.

It was Archbishop Thuc's practice to assist regularly at the New Mass and to concelebrate once a year on Holy Thursday with the *Novus Ordo* bishop of Toulon, France. This he did on Holy Thursday, April 16, 1981, just weeks before he consecrated Fr. Guérard des Lauriers who, Fr. Cekada says, considered the New Mass to be invalid. In fact, Thuc regularly attended the New Mass up to the beginning of 1982. Thus Fr. Barbara said:

With the authorization of the conciliar bishop of Toulon, Thuc had a confessional allotted to him in the conciliar bishop's cathedral, and until the beginning of 1982 Thuc served daily at the new masses celebrated in this same cathedral.<sup>21</sup>

That was "until the beginning of 1982." And yet a short time later, within a matter of weeks, after coming under the influence of Hiller and Heller, Thuc declared that the only Mass that was pleasing to Our Lord was the Mass of St. Pius V. And in conformity with the views of Hiller and Heller, he declared that the See of Rome was vacant. He said:

<sup>21</sup> Fr. Noel Barbara, *Burning Questions: Straight Answers* (Tours, France: Fortes In Fide [ca. 1983]), Appendix, p. 19.

The only Mass pleasing Our Lord is the Mass of Saint Pius V, which is celebrated only by a few priests and bishops, I myself belong to them. . . .

. . . As a bishop of the Roman Catholic Church I declare the See of Rome being vacant and it is my duty, to do everything to assure the preservation of the Roman Catholic Church for the eternal salvation of souls.<sup>22</sup>

Later, when Thuc was no longer under the influence of Hiller and Heller, he retracted the above statement, renounced his rejection of the New Mass and declared that John Paul II was the legitimate successor of St. Peter. In a statement published in *L'OSSEERVATORE ROMANO* on December 24, 1984, Thuc said:

I, undersigned, Peter Martin Ngo dinh Thuc . . . wish to publicly retract all my previous errors . . . as well as my denial of the Second Vatican Council, the new 'Ordo Missae', especially the dignity of His Holiness, Pope John Paul II, as actually legitimate successor of St. Peter, published at Munich in 1982.<sup>23</sup>

Is this the behavior of a credible Archbishop? Is this a man who inspires confidence?

There is no authentic documentary proof for the Thuc consecrations. There is only one document signed by Thuc testifying to the consecration of Fr. Carmona. The weight of that document is very light because the credibility of Archbishop Thuc is very low. And this is to say nothing of the added problems that arise because of positive and objective doubts about the mental competence of Thuc.

<sup>22</sup> Archbishop Peter Martin Ngo Dinh Thuc, "Declaration" Munich, 25th February 1982, *Einsicht* 11 (MARZ 1982), p. 7.

<sup>23</sup> "Declaration of Archbishop Peter Martin Ngo Dinh Thuc," *L'OSSEERVATORE ROMANO*, *Weekly Edition In English*, December 24, 1984.

## CHAPTER 6

# TESTIMONIAL EVIDENCE

The only kind of proof provided for in the Code of Canon Law to establish the fact of an ordination is authentic documentary proof, as we have shown above. But by drawing an analogy from canons 779 and 800, which deal with proving the reception of Confirmation and Baptism by the testimony of witnesses, the experts say that an ordination may be proved by testimonial evidence. We have seen that the testimony of one "qualified witness" is sufficient to establish the fact of the reception of Holy Orders. The testimony of two or three absolutely trustworthy witnesses who are not qualified witnesses may do the same.

### *The Testimony of Drs. Hiller and Heller*

In February of 1988, Fr. Sanborn, Fr. Jenkins and I went to Germany to interview Dr. Hiller and Dr. Heller, the two "witnesses" to the Thuc consecrations, as was mentioned above. We wanted to know if they could verify that the correct matter and form of the Sacrament had been used. For an episcopal consecration, this is an easy thing to do because in 1947 Pope Pius XII definitively settled the question of what exactly constituted the matter and form of the Sacrament of Holy Orders. He did this by his Apostolic Constitution *Sacramentum Ordinis* of November 30, 1947. That it had not been done before, Pius XII said,

" . . . was doubtless the reason why theologians began to inquire which of these rites as used in the conferring of the sacrament of Orders pertain to its essence and which do not; this also gave rise to doubts and anxieties in particular cases, and therefore time and time again the request has been humbly directed to the Apostolic See that those things which are required for the valid conferring of the sacrament of Orders should be declared by the supreme authority of the Church." <sup>1</sup>

Thus did Pius XII invoke his "Supreme Apostolic Authority" <sup>2</sup> in defining the matter and form for the Diaconate, the Priesthood and the Episcopate. The matter for the Diaconate is the laying on of one hand. For the Priesthood and the Episcopate, it is the laying on of two hands. Likewise, the forms for ordination to the Diaconate, the Priesthood and the Episcopate are given. For the Episcopate the form is one sentence which contains sixteen words:

*"Comple in Sacerdote tuo ministerii tui summam,  
et ornamenti totius glorificationis instructum  
coelestis unguenti rore sanctifica."* <sup>3</sup>

The English translation of the above form of the Sacrament is:

Fulfill in Thy priest the completion of Thy ministry, and adorned in the ornaments of all glorification sanctify him with the moisture of heavenly unguent. <sup>4</sup>

<sup>1</sup> Pope Pius XII, Apostolic Constitution, *Sacramentum Ordinis*, Nov. 30, 1947. See Appendix II in Walter B. Clancy, J.C.L., *The Rites and Ceremonies of Sacred Ordination*, Canon Law Studies no. 394 (Washington, D.C.: Catholic University Of America Press, 1962), p. 101.

<sup>2</sup> *Ibid.*, p. 103.

<sup>3</sup> *Ibid.*, p. 105.

<sup>4</sup> Henry Denzinger, *Sources Of Catholic Dogma*, trans. Roy J. Deferrari from 30th ed. Henry Denzinger, *Enchiridion Symbolorum* (St. Louis: B. Herder Book Co., 1957), p. 631.

Pius XII said: "Hence it follows that We should speak with authority concerning this matter, as in fact in order to dispel all controversy and to close the door to all anxieties of conscience we do, by Our Apostolic Authority, declare, . . ." <sup>5</sup> Thus, by his Apostolic Constitution *Sacramentum Ordinis* Pius XII made it very simple to verify the correct matter and form for an episcopal consecration. He did this to "dispel all controversy and to close the door to all anxieties of conscience." He did it by settling, once and for all, the question of what constitutes the essential matter and form for the Sacrament of Holy Orders. He made it crystal clear that the matter of an episcopal consecration is the imposition of both hands, and by that same Supreme Apostolic Authority he determined that the essential form for an episcopal consecration was the sixteen-word formula.

What could be more clear? What could be more simple? Therefore, it is not unreasonable to expect that the laymen who were to witness the secret Thuc consecrations would be told what the essential matter and form of the Sacrament are so that they could later, in their capacity as witnesses, testify that the correct matter and form had been used. This is especially true in light of the fact that there were no Assistant Priests present to insure that the *Roman Pontifical* was exactly followed. Fr. Heribert Jone in his *Moral Theology* says:

If possible, two or at least one *witness* should be present in private Baptism, so that the administration of Baptism can be attested to (C. 742). Witnesses should observe everything closely that they may testify to the *validity* [emphasis added] of the Sacrament conferred.<sup>6</sup>

Fr. Jone says that witnesses to a private Baptism "should observe everything closely that they may testify to the *validity* of the Sacrament conferred." If witnesses are expected to observe

<sup>5</sup> Pius XII, *Sacramentum Ordinis*, in Clancy p. 103.

<sup>6</sup> Rev. Heribert Jone, O.F.M. CAP., J.C.D., *Moral Theology* (Westminster, Maryland: Newman Press, 1958), p. 327.

"everything closely" at a private Baptism so "that they may testify to the validity of the Sacrament conferred," is it unreasonable to expect that the witnesses to a secret episcopal consecration "should observe everything closely" so "that they may testify to the *validity* of the" consecration?

Yet, Dr. Hiller and Dr. Heller did not do so, and hence they could not testify that the correct matter and form had been used. Dr. Hiller did not have the faintest idea what the form of the Sacrament was nor could he even remember whether or not Thuc had laid his hands on the head of the one consecrated. Fr. Sanborn asked him: "Did he [Thuc] place both hands on the head of Guérard des Lauriers?" Dr. Hiller responded: "I don't know what is prescribed. I think yes."<sup>7</sup> When Dr. Heller was asked if Thuc had laid hands on the head of Fr. des Lauriers, he refused to answer. He said that he could not be expected to remember such details. It was the opinion of Hiller and Heller that the consecration had been done correctly; but it is not the function of witnesses to give opinions. As Fr. Lydon says: "Witnesses report facts; they are not to give opinions or judgments on the meaning of what they saw or heard."<sup>8</sup>

### *A Cause of Serious Concern*

The inability of the witnesses to testify that the correct matter and form were applied is cause for serious concern. That they did not "observe everything closely" so that they could "testify to the validity of the Sacrament conferred" is very serious. When you consider this in the light of the people involved, the circumstances, the past record of Archbishop Thuc, his lack of credibility and the positive and objective doubts about his mental competence (as we will demonstrate), we may ask: what reasonable person would not have "anxieties of conscience," as Pius XII put it, in accepting the Thuc consecrations?

Nor is that the whole of it either. There were many troubling things said by Dr. Hiller in the course of our interview.

<sup>7</sup> Recorded interview, Dr. Kurt Hiller, February 10, 1988, Munich, Germany.

<sup>8</sup> Rev. P.J. Lydon, D.D., *Ready Answers In Canon Law*, 4th ed., enl. and rev. (New York: Benziger Bros., 1954), p. 600.

For example, he testified, under oath, that he was not present as a witness. I asked him: "So, what would you say was your purpose for being at the consecration? Was it to be a witness?" He answered: "No."<sup>9</sup> He later contradicted this statement saying that he was present to assist with the ceremony and to act as a witness. He also said, many times, in the course of his testimony, that Archbishop Thuc used a *Rituale Romanum*, that is a *Roman Ritual*, as opposed to a *Roman Pontifical*. The problem is that there is no ceremony of episcopal consecration in the *Rituale Romanum*.

The following exchange took place between Dr. Hiller and me.

Fr. Kelly:

Could you tell us a little bit about the place where the consecration took place? Was it in a house?

Dr. Hiller:

It was quite simple. It was in the location of Thuc.

Fr. Kelly:

In his little apartment?

Dr. Hiller:

Yes.

Fr. Kelly:

I see. Was it about as big as this room [that is, the hotel room in which the interview was being conducted]?

Dr. Hiller:

A little smaller.

Fr. Kelly:

A little smaller? And he had a little table there where he said Mass everyday?

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<sup>9</sup> Recorded interview, Dr. Kurt Hiller, February 10, 1988, Munich, Germany.

Dr. Hiller:  
Yes.

Fr. Kelly:  
And is that where the ceremony of the consecration took place?

Dr. Hiller:  
Yes. But it was not very difficult because Guérard des Lauriers he was prepared absolutely. He knowed [sic] the whole ceremony in his mind.

Fr. Kelly:  
By heart?

Dr. Hiller:  
By heart? Yes.

Fr. Kelly:  
He memorized the whole ceremony?

Dr. Hiller:  
No, but he knowed [sic] exactly what happens where.

Fr. Kelly:  
Oh, I see.

Dr. Hiller:  
And Dr. Heller and I also we studied the *Rituale Romanum* for several times, and I know it also exactly what happens. I hold the book. I have to page. [sic]

Fr. Kelly:  
The *Rituale Romanum*?

Dr. Hiller:  
Yes.

Fr. Kelly:

Did you have a copy of the *Rituale Romanum* in your hand?

Dr. Hiller:

Yes.

Fr. Kelly:

During the ceremony?

Dr. Hiller:

No! It was the original *Rituale Romanum*. Dr. Heller he has the original book we used.

Fr. Kelly:

Was it a *Rituale Romanum* or a *Roman Pontifical*?

Dr. Hiller:

I think a *Rituale Romanum*.<sup>10</sup>

As noted above, there is no ceremony of episcopal consecration in the *Rituale Romanum*. I do not point this out to suggest that a *Rituale Romanum* was in fact used; but rather to show that Dr. Hiller was confused. He was confused but did not have the frankness to simply admit it. I think he was afraid that he would give us the impression that he did not know what he was talking about.

He did the same thing in another matter. I asked him if he knew what a *Breviarium Romanum* was. He said: "Yes." He then proceeded to correctly describe it. Then I asked: "Do you know what a *Sacramentum Ordinis* is?" He said: "Yes." I asked: "What is that?" He answered: "*Sacramentum Ordinis* is the ordination of priests." Then I said: "Is it a ritual, as far as you know? A ritual like [the] *Rituale Romanum*, a ritual which gives the ceremony?" He said: "Yes, yes, yes, naturally."<sup>11</sup> He was, of course, wrong. *Sacramentum Ordinis* is the Apostolic Constitution issued by Pope

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<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

Pius XII on November 30, 1947, mentioned above, which deals with the Sacrament of Orders and which definitively decided the matter and form for the Episcopate, the Priesthood and the Diaconate.

Dr. Hiller did not really know. But again he was, I believe, fearful of giving us the impression that he was ignorant of such matters; and so, instead of admitting that he did not know, he answered the way he did to give the impression that he knew what he was talking about. My point in asking this was not to trick Dr. Hiller. It was to see just how familiar he was with such things and to test his frankness, veracity and willingness to admit what he did not know. The testimony of someone who readily admits what he does not know is far more credible than the testimony of a person who, for fear of giving the wrong impression, pretends to know what he does not know. Dr. Hiller said some other things as well that raise questions about his testimony.

When asked about the reconciliation of Archbishop Thuc with the Vatican in 1976, after the Palmar de Troya consecrations, Dr. Hiller emphatically denied that it took place. He denied this, even though it is a fact. When pressed on the matter, he vacillated. He also tried to give the false impression that Archbishop Thuc was careful about those he consecrated. He cited the case of "a very good priest . . . from Czechoslovakia" named Dr. Otto Katzer. Hiller said:

And I was there with him and Thuc refused to consecrate him. And the reason was because Dr. Katzer couldn't explain, couldn't explain himself to Thuc exactly and clearly what are his ideas to be consecrated, what fired his ideas he had to be a bishop. And he explained [to] me after the refutation, Thuc, clearly that this was the problem. He refused to absolutely, – it was finally impossible that he will be consecrated. So Thuc, he saw clearly what he was doing.<sup>12</sup>

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<sup>12</sup> *Ibid.*

However, later in the interview, in order to justify the fact that Thuc consecrated non-Catholics, Hiller invoked Thuc's poverty, his age and a lack of sufficient time to do complete and thorough investigations. After describing the poor conditions in which Thuc lived, Hiller said of Thuc:

He said to himself, "I have nothing to lose. There is only one thing to continue the Catholic Church." And you see, this *triste* [depressing] atmosphere and, yes, he was also old, it's clear, was responsible for this that Thuc hadn't had the time and was not willingly to prove for a long time absolutely all people who were coming to be ordained as a priest, and this Old Catholic, I think he visited him for several times or a long time. He knew [sic] him personally and Thuc said: "When I ordain priests or consecrate bishops, perhaps, the Catholic Church will have a chance to continue." He knew [sic] exactly what he was doing with several persons that . . . personalities. He saw! I discussed with him . . .<sup>13</sup>

I then asked Dr. Hiller: "But if he was an Old Catholic, how could he think to continue the Catholic Church through an Old Catholic?" Dr. Hiller replied:

He thought that when he would be ordained as a priest or consecrated, he would be a Catholic, a Roman Catholic, not an Old Catholic. He knew exactly that the Old Catholic Church isn't the Roman Catholic Church. You see, he consecrated, I think, also [a] homosexual priest or man from Toulouse.<sup>14</sup>

<sup>13</sup> *Ibid.* Ellipsis points (. . .) have been used to indicate where the words of the recording are undiscernible.

<sup>14</sup> *Ibid.*

When asked about the fiasco of Palmar de Troya, Dr. Hiller tried to excuse Thuc saying that he did what he did because "he was a very simple believing man."<sup>15</sup> When Thuc was asked about this by Vatican authorities, Dr. Hiller said: "Thuc said to Rome after this catastrophe which happened there. He thought that he had been told to him that Paul VI was in bilocation there in Palmar."<sup>16</sup> Hiller said that Thuc knew exactly what he was saying when he said this and that this allusion to the bilocation of Paul VI, as his excuse for doing the Palmar de Troya consecrations, was an exercise in diplomacy and that Thuc often gave such answers. Hiller said of Thuc: "He had had a lot of answers in this direction, yes. When asked him not very intelligent [sic] or one thought he wasn't clear he gives such answers."<sup>17</sup>

What confidence can one have in a man like Archbishop Thuc who made up stories of bilocation to justify his reckless and sacrilegious deeds?

#### ***A Witness Should Be a Witness***

When you consider what Dr. Hiller did and did not say, together with Dr. Heller's refusal to answer our questions about essential things related to the consecration, you end up with two very bad witnesses. It is true that we cannot expect Dr. Hiller and Dr. Heller to be expert witnesses or theologians. But one does not have to be either to be able to say: "Yes, I remember clearly and distinctly that Archbishop Thuc laid his hands on the head of Fr. des Lauriers." After all, these are educated men. Nor does one have to be a specialist to say: "Yes, Archbishop Thuc showed me the words of the form of the Sacrament before the ceremony took place. He told me what the matter of the Sacrament is. And I can say without any hesitation that he laid his hands on the head of the one consecrated and that he said the words of the form."

The task of the witnesses was simple. It was to observe that

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<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

the consecrating bishop laid his hands on the head of the one consecrated and that in the course of the “preface” he said the sixteen words that constitute the essential form of the Sacrament. But Dr. Hiller and Dr. Heller could not testify that the matter and the form had been “properly applied” or indeed applied at all. They could not because they had not been properly prepared as witnesses by Archbishop Thuc, Fr. Guérard des Lauriers, Fr. Carmona or Fr. Zamora. The testimony of Dr. Hiller and Dr. Heller is therefore essentially defective.

The conclusion is inescapable: the Thuc consecrations are doubtful as to fact and validity. There is not sufficient testimonial evidence to establish the fact and validity of the consecrations, just as there is not sufficient documentary proof. As to fact and validity the Thuc consecrations are dubious – and therefore unacceptable.

Fr. Sanborn will say that none of this matters. After the February 1988 interviews with Drs. Hiller and Heller, Fr. Sanborn said that validity could not be proved in the external forum. Now he says it does not have to be proved. He says, with regard to the Thuc consecrations, if Hiller and Heller say that a secret ceremony of episcopal consecration took place at which the old *Roman Pontifical* is presumed to have been used, the consecration must be deemed valid in the external forum. (For consecrations other than the Thuc consecrations his standards are somewhat higher.) For Fr. Sanborn, when it comes to the Thuc consecrations, the circumstances and persons involved do not matter and have no effect on the status of the consecration in the external forum. For Fr. Sanborn, it does not matter that there were no priest witnesses. It does not matter that there were no Assistant Priests, as the Church always requires, to insure that the *Roman Pontifical* was followed. It does not matter that the lay witnesses could not even remember if the consecrating bishop imposed hands on the head of the one consecrated. It does not matter that there is insufficient documentary proof. Indeed, it would not matter if there were *no* documentary proof. It does not even matter that the consecrating bishop “was either insane, senile, or extremely gullible in order to have done the things that he did” because “no one has ever attested to the fact that he was in a

habitual state of complete loss of reason."<sup>18</sup> For Fr. Sanborn, if a secret ceremony of episcopal consecration took place and the old *Roman Pontifical* is presumed to have been used, the episcopal consecration must be "deemed valid" if it involved Archbishop Thuc.

To support his claim, Fr. Sanborn cites the canonist Fr. William Doheny to the effect that: "When the fact of ordination is duly established, the validity of the orders conferred is naturally to be presumed."<sup>19</sup>

The problem, of course, is that Fr. Doheny is not talking about what Fr. Sanborn is talking about. The Thuc consecrations have not been "duly established." That is precisely the point.

When it comes to the Thuc consecrations we are dealing with episcopal consecrations that have not been "duly established" and for which there is virtually no documentary proof and that were done by an Archbishop who had such a profound disregard for the Catholic priesthood, Mass and Sacraments that he regularly bestowed episcopal consecration on non-Catholics. We are dealing with an Archbishop who is not worthy of confidence and about whose mental competence, as we shall see, there are grave and prudent doubts. Finally, we are dealing with consecrations that the Thuc apologists are trying to establish on the basis of the testimony of Dr. Hiller and Dr. Heller which, as we have seen, is essentially defective.

### *The Correct Rule*

According to Fr. Sanborn, if a secret ceremony of episcopal consecration took place and the old *Pontifical* is presumed to have been used, it must be deemed valid if it involved a Thuc bishop, regardless of the circumstances and persons involved and irrespective of the inability of the witnesses to remember anything except that a ceremony of episcopal consecration took place. Fr.

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<sup>18</sup> Rev. Donald Sanborn, *Report On Theological And Canonical Principles Governing The Consecration Of Bishop Guérard Des Lauriers*, [September 1988], p. 3.

<sup>19</sup> William J. Doheny, C.S.C., J.U.D., quoted in Rev. Donald Sanborn, *The Thuc Consecrations: A Postscript* (Madison Heights, MI: Catholic Restoration, [1993]), p.10.

Sanborn is mistaken. The general rule is **not**: *if a ceremony took place regardless of the circumstances or persons involved, it must be deemed valid.* Rather, as Fr. Augustine says:

The general rule is that if the matter and form required for these three sacraments [i.e., "Baptism, Confirmation, and Holy Orders"] have been properly applied by the respective minister, they are supposed and presumed to have been conferred validly.<sup>20</sup>

Fr. Augustine does not say: *if a ceremony took place regardless of the circumstances or persons involved, the sacraments are supposed and presumed to have been conferred validly.* He says: "if the *matter and form* required . . . have been properly applied by the respective minister, they are supposed and presumed to have been conferred validly." (Emphasis added.) This refutes the notion that if a ceremony took place, regardless of the circumstances or persons involved, it must be "deemed valid." Directing his attention specifically to the question of Holy Orders, Fr. Tixeront puts it this way:

When the bishop who performs the Ordination belongs to the Catholic Church and performs the functions of his ministry in a normal fashion, there can be no doubt about the validity of his Ordinations, if carried out according to the prescribed form.<sup>21</sup>

Notice that the certitude as to the validity of Holy Orders is based on the fact that "the bishop . . . performs the functions of his

<sup>20</sup> Rev. P. Chas. Augustine, O.S.B., D.D., *A Commentary On The New Code Of Canon Law*, 3d ed., 8 vols. (St. Louis: B. Herder Book Co., 1925-1931), vol. 4, p. 23.

<sup>21</sup> Rev. J. Tixeront, *Holy Orders And Ordination: A Study In The History Of Dogma*, trans. Rev. S. A. Raemers (St. Louis: B. Herder Book Co., 1928), p. 270.

ministry in a normal fashion." Notice, too, that the ordination must be "carried out according to the prescribed form."

Archbishop Thuc, however, did not perform "the functions of his ministry in a normal fashion." After 1975 he performed the functions of his ministry in a **manifestly abnormal** fashion choosing to consecrate twice as many non-Catholics as Catholics after the Palmar fiasco. But not only did he perform the functions of his ministry in a **manifestly abnormal** fashion with regard to those he consecrated, he did it in such a way so as to make it virtually impossible to find out if the consecrations were done "according to the prescribed form." The irregularities are so numerous, the problems are so great and the proof is so defective that it is simply not possible to establish the fact and validity of the consecrations with the type of certitude that is required by the Church in such matters.

We have dealt with the questions of documentary proof and testimonial evidence. We have examined the testimony of the witnesses. Another serious defect of the Thuc consecrations remains to be considered. It is the absence of Assistant Priests.

### *The Absence of Assistant Priests*

On November 30, 1944, Pope Pius XII signed The Apostolic Constitution *Episcopalis Consecrationis*. By this Constitution, Pius XII definitively settled the question of the precise function of the Assisting Bishops at an episcopal consecration. He said: "it is not sufficiently clear whether these bishops are present as cooperators and co-consecrators, or only as witnesses of the consecration."<sup>22</sup> Therefore, concerning this matter, Pius XII said:

... by the plenitude of Our Apostolic Powers, we declare, decree and establish the following:

Although, when the essential rites are performed, only one bishop is required and suffices

<sup>22</sup> Pope Pius XII, Apostolic Constitution, *Episcopalis Consecrationis*, Nov. 30, 1944. See Appendix I in Walter B. Clancy, J.C.L., *The Rites and Ceremonies of Sacred Ordination*, Canon Law Studies no. 394 (Washington, D.C.: Catholic University Of America Press, 1962), p. 97.

for the validity of an episcopal consecration, nevertheless, the two bishops who, from ancient custom and according to the prescription of the "Roman Pontifical," assist at the consecration – being themselves consecrators and thus henceforth to be called co-consecrators – should with the aforementioned consecrator not only touch the head of the elect with both hands and say *Accipe Spiritum Sanctum*, but, having made at an appropriate time the mental intention of conferring episcopal consecration together with the bishop consecrator, recite the prayer *Propitiare* with the entire preface that follows, and also, throughout the whole rite read in a low voice everything the consecrator reads or chants, except the prayers prescribed for the blessing of the pontifical vestments which are imposed in the rite of consecration.<sup>23</sup>

Pius XII declared that while one bishop was sufficient for validity, nevertheless, the Assisting Bishops were true co-consecrators. There is, therefore, no question that an episcopal consecration done by one bishop is valid, assuming all the elements necessary for validity are present. As Pius XII said:

It is beyond all doubt and proven by long-standing practice that the minister of an episcopal consecration is a bishop and that one bishop alone, who with the required intention of mind performs the essential rites, suffices for the validity of the consecration.<sup>24</sup>

The Assisting Bishops are, therefore, not only witnesses to the consecration but true co-consecrators, so as to, as Fr. Clancy

<sup>23</sup> *Ibid.*, pp. 97,99.

<sup>24</sup> *Ibid.*, p. 97.

says, make "more certain the valid transfer of the Order of the episcopate." <sup>25</sup> Thus, upon them falls the obligation to insure that the consecration is performed correctly and validly. Therefore, they are obliged, as Fr. Clancy explains, "to see that no change is made in the rites of episcopal consecration and to effect any supply of rites that is demanded by law." <sup>26</sup>

This demonstrates the great care and solicitude that the Church takes when it comes to the conferral of episcopal consecration. When it is not possible, however, to have the co-consecrating bishops, the Church requires that the consecrating bishop be assisted by two or three priests. These priests are present not only to lend solemnity to the ceremony but also to insure that the details of the *Roman Pontifical* are followed, including – and most especially – the details that have to do with the essential matter and form of the Sacrament. As Fr. Clancy says:

When two co-consecrators are not available, a dispensation must be sought. In this case the Supreme Pontiff, in granting the dispensation, *always commands* [emphasis added] that the consecrator be assisted by two or three priests of some special dignity. These assisting priests cannot be designated as co-consecrators, for they are unable, as priests, to share the intention of the minister to consecrate. *They should, however, follow in detail the directions of the Roman Pontifical in assisting the consecrator.* [Emphasis added.] <sup>27</sup>

Yet, at the Thuc consecrations there were no Assistant Priests to "follow in detail the directions of the Roman Pontifical in assisting the consecrator." There were no Assistant Priests to insure that things were done correctly and who could later testify that such

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<sup>25</sup> *Ibid.*, p. 75.

<sup>26</sup> *Ibid.*, p. 79.

<sup>27</sup> *Ibid.*, p. 74.

was the case at the secret Thuc consecrations. Rather, there were only two laymen who were not properly instructed by Archbishop Thuc or by those consecrated and who could not even remember if Thuc had laid hands on the head of the one consecrated.

Commenting on “Bishop” Carmona’s statement that his consecration was performed “without witnesses, but [in the presence of] two illustrious doctors,” Fr. Cekada says of “Bishop” Carmona, to whom “Bishop” Dolan traces his claim to episcopal orders:

He does not say whether these “two illustrious doctors” know the ins and outs of the fearfully complex Rite of Episcopal Consecration found in the *Roman Pontifical*, and whether they can attest that Mgr. Ngo did not substantially alter the rite. The question is a disturbing one – further research would be needed to ascertain what theologians and canonists consider sufficient evidence for validity in such a case. Under such rather extraordinary circumstances, however, it seems that the burden of proof for the validity of the consecrations must be placed upon those directly involved.<sup>28</sup>

Fr. Cekada was, of course, correct in his expectation. For, as we have demonstrated, the burden of proof does rest with those involved; and, that burden, as we have shown, has not been met.

### *Reckless Indifference*

The absence of Assistant Priests is extremely significant because, as Fr. Clancy says: “When two co-consecrators are not available, a dispensation must be sought. In this case the Supreme Pontiff, in granting the dispensation, always commands that the consecrator be assisted by two or three priests of some special dignity.”<sup>29</sup> It is also significant because the conferral of episcopal

<sup>28</sup> Rev. Anthony Cekada [Peregrinus], “Two Bishops In Every Garage,” *The Roman Catholic* V (January 1983), p. 8.

<sup>29</sup> Clancy, *Rites and Ceremonies*, p. 74.

consecration is unlike the administration of any other Sacrament. There is no other case in which the Church takes such extreme care to insure validity. Episcopal consecration is the only case in which the Church, as a rule, requires three ministers of the Sacrament. That she requires two or three priests when the co-consecrating bishops are not present is an indication of this care, as well. The failure to provide for them is nothing less than a reckless disregard for the practice and requirements of the Church. Surely Fr. des Lauriers, Fr. Carmona and Archbishop Thuc were not ignorant of this fundamental requirement of the Church! Add to this the fact that the so-called "witnesses" were not instructed about the matter and form of the Sacrament, and the problem is compounded. That this was not done at an episcopal consecration at which there were no priest witnesses and no Assistant Priests is extremely significant. It is especially significant at the Thuc consecrations because of Thuc's lack of credibility and the evidence that he was not in full possession of reason.

## CHAPTER 7

# THE MENTAL STATE OF ARCHBISHOP THUC

The question of the mental state of the minister of a Sacrament is important. It is important because mental competence in the minister of a Sacrament is directly related to the question of validity. In his dogmatic treatment of the Sacraments, Msgr. Joseph Pohle says:

The combination of matter and form into a sacramental sign (*confectio*), and its application to the individual recipient (*administratio*), – two factors which, with the sole exception of the Holy Eucharist, invariably coincide, – require a minister who has the full command of reason. Hence lunatics, children, *and others who have not the full use of reason are incapable of administering a Sacrament.* [Emphasis added.]<sup>1</sup>

According to Msgr. Pohle, if a priest or bishop did not have “the full use of reason” he would be “incapable of administering a Sacrament.” Fr. Heribert Jone, the moralist, also treats of certain shortcomings in the minister of a Sacrament that would render the

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<sup>1</sup> The Rt. Rev. Msgr. Joseph Pohle, Ph.D., D.D., *The Sacraments, A Dogmatic Treatise*, adapted and ed. Arthur Preuss, 3d, rev. ed., 4 vols. (St. Louis: B. Herder Book Co., 1944), vol. 1, p. 162.

Sacrament invalid. He says that (1) if the minister of the Sacrament lacked "external attention . . . the intention to administer a Sacrament is implicitly revoked, making the administration invalid. External attention is lacking if one undertakes an external action that is incompatible with internal attention."<sup>2</sup> (2) "The administration of a Sacrament is invalid if one previously, indeed, had the requisite intention, which here and now no longer exists and thus exercises no influence on his action, even though he did not revoke it (*intentio habitualis*)."<sup>3</sup> Habitual intention is insufficient to validly confer a Sacrament. (3) ". . . there is no consecration if a priest in the delirium of a fever pronounces the words of consecration over bread and wine on the table at his bedside; the same holds for any one attempting to confect a Sacrament while intoxicated, **insane** or asleep."<sup>4</sup> (Emphasis added.)

If we put together what Msgr. Pohle and Fr. Jone say, we see that the one who administers a Sacrament must have "the full command of reason." If he were insane at the time or had "*not the full use of reason*," he would be "*incapable of administering a Sacrament*." He must also have a sufficient intention. Habitual intention (*intentio habitualis*) is not sufficient. And he must have adequate *attention*. If he undertook "an external action that is incompatible with internal attention," the Sacrament would be invalid.

The preponderance of the evidence clearly indicates that Archbishop Thuc did not have "the full use of reason"; and hence, the consecrations he performed are at least doubtful as to validity. This we will show.

### *Early History*

Archbishop Pierre Martin Ngo-dinh-Thuc was born on October 6, 1897. He was ordained a priest in 1925 and was consecrated a bishop in 1938. He was a former seminary professor who possessed three doctorates. He was, as Fr. Cekada said, "a bishop

<sup>2</sup> Rev. Heribert Jone, O.F.M. CAP., J.C.D., *Moral Theology* (Westminster, Maryland: Newman Press, 1958), p. 312.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

with great pastoral experience and a brilliant academic background in theology, philosophy and canon law.”<sup>5</sup> On November 24, 1960, he became the Archbishop of Hue, which had been the imperial capital of Vietnam. In his 1983 article on the Thuc bishops, Fr. Cekada gives a short biography of Archbishop Thuc. He says:

Ngo-dinh-Thuc entered the seminary, obtained doctorates in canon law, theology and philosophy in Rome, and was ordained to the priesthood on December 20, 1925. He taught for a while at the Sorbonne, and returned to Hue in 1927, where he taught in the major seminary and in the College of Divine Providence. He was appointed Apostolic Vicar at Vinh-long, and on May 4, 1938, was consecrated a bishop and named Titular Bishop of Sesina. At Vinh-long, he organized the diocese, as well as devoting some of his time to the University of Dalat.<sup>6</sup>

Fr. Cekada also indicates that Archbishop Thuc was a man of practical accomplishments. He quotes Hilaire du Berrier’s book *Background to Betrayal, The Tragedy of Vietnam* to the effect that:

“Archbishop Thuc . . . recovered from his disappointment at not being given the Saigon diocese and plunged into business with gusto, buying apartment houses, stores, rubber estates and timber concessions. When Thuc set his eyes on a piece of real estate, other bidders prudently dropped out . . . Soldiers, instead of building defenses, were put to work cutting wood for brother Thuc to sell. Army trucks and labor were requisitioned to build buildings for him. A Saigon

<sup>5</sup> Rev. Anthony Cekada [Peregrinus], “Two Bishops In Every Garage,” *The Roman Catholic V* (January 1983), p. 8.

<sup>6</sup> *Ibid.*, p. 4.

merchant observed, 'As a brother of Diem, his (Mgr. Ngo's) requests for donations read like tax notices.'"<sup>7</sup>

Archbishop Thuc attended the Second Vatican Council. It was during the Council that great personal tragedy struck. On November 2, 1963, his brothers, Ngo-dinh-Diem, President of South Vietnam, and Ngo-dinh-Nhu, were assassinated in the overthrow of the Diem government. Fr. Cekada says that it was "obvious how deeply the sad turn of events affected him."<sup>8</sup> On December 2, 1963, the opening Mass at the Council was offered for President Ngo-dinh-Diem and Ngo-dinh-Nhu by Archbishop Thuc himself.

After the Council, Fr. Cekada says, Archbishop Thuc "wanted to return to his See, but the new South Vietnamese government refused him permission – apparently with the approval of the Vatican."<sup>9</sup> He goes on to say:

He was given the honorary title of Titular Archbishop of Bulla Regia on March 29, 1968, but for the most part was treated as an outcast by the Vatican. Access to his timber concessions and rubber plantations was cut off and he became an exile reduced to near destitution. He spent some time at the Cistercian Abbey of Casamari near Rome, and eventually went to work as an assistant pastor in the small village of Arpino, where he said Mass, heard confessions and engaged in catechetical work.<sup>10</sup>

### *"The Palmar Fiasco"*

Palmar de Troya is a village in Spain located about twenty-five miles south of Seville. In 1968 and perhaps even as early as

<sup>7</sup> *Ibid.*, p. 5.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*, p. 6.

1966, there was talk about the Blessed Virgin Mary communicating heavenly messages at Palmar. The individual to whom these messages were supposed to have been given was one Clemente Dominguez Gomez, who, with his associates, began to circulate in Spain and abroad the supposed celestial communications. An investigation was undertaken by the Archbishop of Seville and on May 18, 1970, a decree was issued stating that there was no basis for the claims that the Blessed Virgin had spoken at Palmar de Troya. In 1972 it was ordered that no Masses be said there or other liturgical functions be held. On December 2, 1975, Clemente Dominguez and his associates established the "Carmelite Order of the Holy Face" and later that month three followers of Clemente Dominguez set out for Italy to obtain the services of Archbishop Thuc.

In his autobiography, as we have noted, Archbishop Thuc states that he "was preparing the Christmas Crib on the vigil of Christmas" when a priest whom he had previously met "presented himself." Thuc writes: "He said to me point-blank: 'Excellency, the Holy Virgin sends me to bring you immediately to the heart of Spain to render her a service. My car is waiting at the door of the rectory and we will leave right away in order to be there on Christmas Day.'" Archbishop Thuc prepared to leave. He wrote: ". . . I called the sacristan and asked him to tell the pastor about Christmas Mass, telling him that I was going to France because of urgent family matters and that I would return immediately in two weeks."<sup>11</sup> Archbishop Thuc lied to the sacristan about his journey and its purpose and departed for Spain. Thus began what Fr. Cekada called "The Palmar Fiasco."

On the night of December 31, 1975, Archbishop Thuc ordained five "laymen to the priesthood (whom he had just met, and who had done no ecclesiastical studies)." <sup>12</sup> On January 11, 1976, he bestowed episcopal consecration on two of the five, and three

<sup>11</sup> Archbishop Peter Martin Ngo Dinh Thuc, "Misericordias Domini in Aeternum Cantabo: Autobiography of Archbishop Peter Martin Ngo-Dinh Thuc, Archbishop of Hue," *The Seraph* IV (May 1984), pp. 10,14.

<sup>12</sup> Cekada, "Two Bishops," p. 6.

others. He did these things at the request of Clemente Dominguez Gomez, the so-called seer of Palmar de Troya who claimed, according to Fr. Cekada, that "he had received the stigmata – not from God, but from Padre Pio." Fr. Cekada wrote of Clemente:

He began spreading the "messages" he received from the apparitions which were coming at the rate of two or three a week. Believers received celestial bulletins on everything from the condition of Paul VI (a "Prisoner of the Vatican" who had been "replaced by a double") to the color of socks adherents were to wear. Mr. Dominguez even received messages as to when to cut off his beard.<sup>13</sup>

It was Clemente Dominguez who asked Archbishop Thuc to do the ordinations. Fr. Cekada says that Dominguez assured Archbishop Thuc that Paul VI and the Blessed Virgin Mary approved. Of this Fr. Cekada wrote: ". . . Mr. Dominguez was saying: both the Blessed Virgin and Paul VI (by 'bilocation') were telling a Catholic bishop that he should ordain laymen to the priesthood (whom he had just met, and who had done no ecclesiastical studies) and then consecrate them bishops – all in three weeks time." Archbishop Thuc "agreed."<sup>14</sup>

Two weeks after the consecrations by Archbishop Thuc, Clemente Dominguez consecrated three more bishops.

"And this is only the beginning," he boasted to a reporter. "We are going ahead ordaining priests and consecrating bishops to spread the work of Palmar everywhere." He was true to his word. There are now hundreds of Palmar "bishops" – Dominguez even consecrated a 16-year-old boy. After the death of Paul VI (August 6, 1978), Dominguez (who had lost his eyes in an auto accident on May 29, 1976) declared himself Pope.<sup>15</sup>

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

He declared himself pope, "claiming a mystical consecration to the papacy in August, 1978, and took the name of Pope Gregory XVII. By January, 1987, according to his own press releases, Gomez had created 98 cardinals and canonised 2,164 saints."<sup>16</sup>

According to a published pamphlet put out by the sect of Palmar and entitled "Palmar de Troya, Light of the World," Archbishop Thuc defended the consecrations on January 13, 1976, with the words:

"We are returned to Apostolic times in that the first Apostles went about preaching and ordaining without referring back to the first Pope, Saint Peter."<sup>17</sup>

Commenting on the above statement, Fr. Cekada said that "it is possible he had forgotten about Paul VI's miraculous 'bilocation.'"<sup>18</sup>

### *Excommunication and Reconciliation*

Eight months after the Palmar consecrations the Vatican declared that Archbishop Thuc was excommunicated. This was done by a decree of the *S. Congregation For The Doctrine Of The Faith* dated September 17, 1976. Subsequently, a *Commentary On The Decree* was published in the English Edition of *L'OSSESSVATORE ROMANO*. It tells of the repentance of Archbishop Thuc:

The Prelate [i.e., Archbishop Thuc], as soon as he realized the gravity of the facts, deplored and repudiated what he had done, and sought to impede further abuses. He then humbly

<sup>16</sup> Gary L. Ward, Bertil Persson and Alan Bain eds., "Gomez, Clemente Dominguez, Holy Palmarian Church," *Independent Bishops: An International Directory* (Detroit: Apogee Books, Penobscot Building, 1990), p. 161.

<sup>17</sup> Quoted in Cekada, "Two Bishops," p. 6.

<sup>18</sup> *Ibid.*, p. 7.

placed himself at the disposition of ecclesiastical authority. For this purpose he hastened to request from the Holy Father absolution of the excommunication he had incurred and he wrote to His Eminence Cardinal Bueno y Montreal, Archbishop of Seville, a letter in which, recognizing his own error, he asked pardon for "the grave scandal given to the faithful and for the immense harm caused to the Church by placing in danger its unity".<sup>19</sup>

### *A Consecration in Between*

It is not mentioned in the decree – perhaps because it was not known at the time – but between the Palmar consecrations and his reconciliation with Paul VI, Archbishop Thuc had performed another episcopal consecration. According to Thuc bishop Fr. Robert McKenna, it took place two months before Thuc's reconciliation with Paul VI. Thus it was that on July 10, 1976, Thuc consecrated P.E.M. Comte de Labat d'Arnoux.<sup>20</sup> Who was Comte de Labat d'Arnoux? He was, according to Fr. Noel Barbara, just one of many apostates from the Catholic Church who became Thuc bishops.<sup>21</sup>

### *Consecrating the Leader of a Non-Catholic Sect*

The Palmar consecrations occurred in January 1976. Thuc consecrated D'Arnoux in July. The reconciliation with Paul VI, whereby Thuc repented of "the grave scandal given to the faithful and for the immense harm caused to the Church by placing in danger its unity," was in September 1976. Yet, within a few months

<sup>19</sup> "Commentary on the Decree, 'Concerning Unlawful Ordinations,'" *L'OSSERVATORE ROMANO, Weekly Edition In English*, October 7, 1976, p. 5.

<sup>20</sup> Rev. Robert McKenna, "Thuc-Line Bishops," *Catholics Forever* 99 (April 1992), p. 6.

<sup>21</sup> Rev. Noel Barbara, *Warning, Concerning A Sect Which Is "Made In France"* (Tours, France: Fortes In Fide [ca. 1992]), p. 4.

Archbishop Thuc was at it again. This time he consecrated a man named Jean Laborie, an Old Catholic bishop who was the founder and head of his own non-Catholic sect and who was, according to Fr. Noel Barbara, a known homosexual. This “consecration” took place on February 8, 1977.<sup>22</sup> Laborie was consecrated at least three times and, according to Fr. Barbara, possibly as many as five times.

Fr. Cekada wrote about Laborie in his 1983 article on the Thuc bishops. He said that Archbishop Thuc “raised to the episcopate (for the ‘umpteenth time’) Jean Laborie, leader of a schismatic ‘Old Catholic’ sect, the ‘Latin Church of Toulouse.’ He also ordained another ‘Old Catholic’ from Marseilles named Garcia, and a certain ex-convict named Arbinet who went on later to become a Palmar ‘bishop.’”<sup>23</sup>

### *Kozik and Fernandez*

Multiple consecrations are not uncommon with the Thuc bishops. We have mentioned Laborie. Others who were consecrated more than once include Roger Kozik, Michel Fernandez, Christian Datessen and Andre Enos. According to Fr. Barbara, Kozik and Fernandez were consecrated Thuc bishops twice – once by a Thuc-Palmar bishop and then by Thuc himself. This raises the question: Did Archbishop Thuc doubt the validity of the consecrations he performed at Palmar de Troya?

Some time ago, Fr. Barbara published a four-page tract warning people about the sect that was started by Kozik and Fernandez. He wrote of these men saying: “Roger Kozik and Michel Fernandez must be considered to be what they still are, that is, apostates from the Catholic Church. On this account they are heretics and schismatics, and THOSE WHO RECEIVE THE SACRAMENTS FROM THEM, OR WHO ASSIST AT THEIR WORSHIP SERVICES INCUR THE CENSURES PROVIDED FOR *COMMUNICATIO IN SACRIS CUM ACATHOLICIS.*”<sup>24</sup> He continued:

<sup>22</sup> McKenna, “Thuc-Line Bishops,” p. 6.

<sup>23</sup> Cekada, “Two Bishops,” p. 7.

<sup>24</sup> Barbara, *Warning, Concerning A Sect*, p. 2.

To finish up with the leaders of this sect, here is some information which appeared in the French press. *"Brought before the criminal court of Agen, Messrs. Kozik and Fernandez were charged with racketeering, and then released. Then they were prosecuted in the court of appeals for fraud, and were sentenced to eight months in prison with parole."* They were, therefore, convicted of fraud. During the hearing on March 9, 1991, the prosecutor declared: "Upon reading this dossier, two words impressed themselves upon me: deceit and sect." "A police investigation determined in 1989 that the total of the contributions, which had passed through their private accounts, reached SEVENTY-FIVE MILLION FRANCS, or 7,500,000,000 old French francs." [A footnote says the sum was equal to fourteen million U.S. dollars.]<sup>25</sup>

In addition to their double Thuc consecrations, Kozik and Fernandez were "ordained" to the "priesthood" three times. They were first ordained by Jean Laborie. Then they were ordained by Andre Enos, an Old Catholic bishop, about whom we will hear more presently. And, finally, they became Thuc priests and bishops.

#### *The Tae Kwon Do "Nuns"*

This same Roger Kozik started a congregation of "nuns." *The New York Times* published a rather long and somewhat complimentary article about Kozik "nuns" who are working in New York City. The article appeared on February 2, 1994. The "nuns" are pictured "working out." They are working out with their male trainers at the *Tae Kwon Do* Academy located at 828 Ninth Avenue, New York City. One of the "nuns," barefooted and in full habit, is photographed literally up in the air. She is seen delivering a kick to

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<sup>25</sup> *Ibid.*, p. 4.

the chest of the gentleman who is her trainer. The other “nun” is seen in a *Tae Kwon Do* pose. She appears ready to move against her trainer.

### *Mutual “Consecrations”*

Archbishop Thuc consecrated Christian Marie Datessen in 1982. This is another case which illustrates the bizarre and sacrilegious character of the whole Thuc fiasco. Datessen was an Old Catholic bishop who was consecrated on September 10, 1981, by Andre Enos. Enos was an apostate Catholic priest who left the Church in 1950 and became a bishop of the sect known as the *Old Holy Catholic Church* which was founded by Charles Brearley.<sup>26</sup> The consecration of Datessen by Enos took place on September 10, 1981. In late September of 1982, Datessen was consecrated again by Archbishop Thuc. Datessen then turned around and consecrated Enos.<sup>27</sup> Enos had made Datessen an Old Catholic bishop. Datessen then made Enos a Thuc bishop. In other words, Enos consecrated Datessen, then Thuc consecrated Datessen, then Datessen consecrated Enos who had consecrated him in the first place! Then Fr. Robert McKenna included Datessen and Enos in his list of Thuc bishops which he published in *Catholics Forever*.<sup>28</sup>

### *Simulating a Sacrament*

Besides the multiple consecrations that Archbishop Thuc

<sup>26</sup> Brearley, a married man, was himself consecrated at least three times. His sect was the revival of the *Old Catholic Evangelical Church*. “Brearley . . . desired to revive that body, but along new lines, as a ‘New Age Ecumenical Institution.’ He called it the Old Holy Catholic Church (formed in 1955), and took the title of Ignatius Carolus, though known mostly to followers as Father Charles. . . . Brearley established a New Age Ecumenical Institute as part of the work of the church.” It also seems that he raised “Mrs. Brearley at least to a deaconess.” (Gary L. Ward, Bertil Persson and Alan Bain eds., “Brearley, Charles, Old Holy Catholic Church In Britain,” *Independent Bishops: An International Directory* [Detroit: Apogee Books, Penobscot Building, 1990], pp. 56-57.)

<sup>27</sup> Gary L. Ward, Bertil Persson and Alan Bain eds., “Datessen, Christian Marie, Union Des Petites Eglises Catholiques,” & “Enos, Andre Maurice Alexandre, Old Holy Catholic Church,” *Independent Bishops: An International Directory* (Detroit: Apogee Books, Penobscot Building, 1990), pp. 107, 132.

<sup>28</sup> McKenna, “Thuc-Line Bishops,” p. 6.

performed, there were other instances of strange behavior. On April 16, 1981, Archbishop Thuc concelebrated the New Mass with the *Novus Ordo* bishop of Toulon, France. Three weeks later he consecrated Fr. Guérard des Lauriers. According to Fr. Cekada, Archbishop Thuc excused himself for concelebrating the New Mass by claiming, among other things, that he only pretended to say Mass; that is to say, that he *simulated* saying Mass. Simulating a Sacrament "consists in performing the sacramental action without the intention of conferring a Sacrament, although others think a Sacrament is being administered."<sup>29</sup> To simulate a Sacrament is to go through the motions while withholding one's intention. Simulation invalidates the Sacrament. It is also a mortal sin of sacrilege. It is so serious that one may not simulate a Sacrament even to save one's life. Fr. Jone says: "*Simulation* of a Sacrament is never allowed, not even to save one's life."<sup>30</sup>

### *Simulation = Invalidity*

If Archbishop Thuc simulated saying Mass, the Mass would be invalid. If he simulated an episcopal consecration, as Fr. Cekada accuses him of simulating saying Mass, it would be an invalid consecration. No bishop would be made. This would be true even if he were in full possession of his faculties. Speaking of Thuc's concelebration, Fr. Cekada said: "Mgr. Ngo's justification for his action by maintaining that he only simulated the celebration of Mass – simulation of a sacrament, incidentally, is a grave sin – does not increase our confidence in his grasp of sacramental theology."<sup>31</sup>

The problem, of course, is not Archbishop Thuc's grasp of sacramental theology. His three doctorates preclude ignorance of sacramental theology. Nor indeed does one have to have a doctorate in theology to know that it is wrong to pretend to say Mass or to bestow episcopal consecration on non-Catholics. The explanation lies elsewhere.

<sup>29</sup> Jone, *Moral Theology*, p. 318.

<sup>30</sup> *Ibid.*

<sup>31</sup> Cekada, "Two Bishops," p. 7.

*Dramatic Turnabout*

According to Fr. Barbara, Archbishop Thuc regularly assisted at the New Mass until the beginning of 1982. He said: “With the authorization of the conciliar bishop of Toulon, Thuc had a confessional allotted to him in the conciliar bishop’s cathedral, and until *the beginning of 1982* Thuc served daily at the new masses celebrated in this same cathedral.”<sup>32</sup> (Emphasis added.) Archbishop Thuc attended the New Mass until “the beginning of 1982,” Fr. Barbara says. Yet, in February of 1982, Archbishop Thuc declared the New Mass to be invalid and the See of Rome to be vacant. In a statement dated February 25, 1982, he said:

But in the sight of Our Lord, what is today’s Church looking like? These Masses – everyday and Sundays – do they please Our Lord? Not at all: because this Mass is the same one for Catholics and Protestantes [sic] – that’s why this Mass doesn’t please Our Lord and is invalid. The only Mass pleasing Our Lord is the Mass of Saint Pius V, which is celebrated only by a few priests and bishops, I myself belong to them. . . .

. . . As a bishop of the Roman Catholic Church I declare the See of Rome being vacant [sic] and it is my duty, to do everything to assure the preservation of the Roman Catholic Church for the eternal salvation of souls.<sup>33</sup>

This statement is remarkable because Archbishop Thuc accepted the post-Conciliar popes as true popes and, according to Fr. Barbara, was assisting at the New Mass up until the previous month. It is also remarkable because if he wanted “to do everything to assure the preservation of the Roman Catholic Church for the

<sup>32</sup> Rev. Noel Barbara, *Burning Questions: Straight Answers* (Tours, France: Fortes In Fide [ca. 1983]), Appendix, p. 19.

<sup>33</sup> Archbishop Peter Martin Ngo Dinh Thuc, “Declaration” Munich, 25th February 1982, *Einsicht* 11 (MARZ 1982), p. 7.

eternal salvation of souls," why did he regularly bestow episcopal consecration on non-Catholics before issuing the statement? Why, after issuing the statement, did he consecrate the non-Catholic, Christian Marie Datessen in late September of 1982?

### *The Final Reconciliation*

It was in February of 1982 that Archbishop Thuc declared the See of Rome to be vacant and the New Mass to be invalid. He said of the New Mass: "this Mass is the same one for Catholics and Protestantes [sic] . . . and is invalid." He said: "the See of Rome being vacant . . . it is my duty, to do everything to assure the preservation of the Roman Catholic Church for the eternal salvation of souls." Yet, as noted above, seven months later he consecrated a non-Catholic. Then on July 11, 1984, he renounced his declaration of February 25, 1982. He reconciled himself to John Paul II. In his recantation and renunciation, given at Carthage, Missouri, he said:

I, undersigned, Peter Martin Ngo Dinh Thuc, Titular Archbishop of Bulla Regia, and Archbishop Emeritus of Hue, wish to publicly retract all my previous errors concerning my illegitimately ordaining to the Episcopate, in 1981, several priests, namely Revs. M.L. Guérard des Lauriers, O.P., Moses Carmona, and Adolfo Zamora, as well as my denial of the Second Vatican Council, the new 'Ordo Missae', especially the dignity of His Holiness, Pope John Paul II, as actually legitimate successor of St. Peter, published in Munich in 1982.

I wish to sincerely ask you all to forgive me, praying for me, and redressing all scandal caused by such regrettable actions and declaration of mine.

I would also like to exhort the above mentioned priests who had illegitimately been ordained to the Episcopate by me in 1981, and all

others whom they have in their turn ordained bishops and priests, as well as all their followers, to retract their error, leaving their actually false status, and reconciling themselves with the Church and the Holy Father, Pope John Paul II.

This was published in the December 24, 1984, English Edition of *L'OSSERVATORE ROMANO* shortly after his death. He died on December 13, 1984, at Carthage, Missouri. He was, it seems, living at a *Novus Ordo* Vietnamese seminary at the time. It was suggested by certain Thuc followers that he had been kidnapped from Rochester, New York, and was taken to Carthage against his will.

## CHAPTER 8

# A GENERAL CONSENSUS ON THUC'S MENTAL STATE

Ngo-Dinh-Thuc was a Catholic Archbishop and former seminary professor who had three earned doctorates. He was, as Fr. Cekada said, a man of “great pastoral experience and a brilliant academic background in theology, philosophy and canon law.”<sup>1</sup> Yet, in spite of this “great pastoral experience” and “brilliant academic background,” he began in 1975 to act in a way that Fr. Sanborn would later characterize as “bizarre.” This bizarre behavior continued for the remaining years of his life and led many, including traditional priests and *Novus Ordo* prelates, to conclude that there was something seriously wrong with his mind.

### *Fr. Cekada and the Mental State of Archbishop Thuc*

In his 1983 article on the Thuc bishops, Fr. Cekada cited the many inconsistencies of Archbishop Thuc. He spoke of: “. . . the Palmar affair, the promises made and promises broken to the Vatican, the involvement with ‘Old Catholics,’ concelebrating the New Mass while claiming he really wasn’t, then consecrating someone who believes the New Mass is invalid.”<sup>2</sup> Fr. Cekada sought “an explanation” for this behavior. He suggested that it might be found in a combination of old age, great personal tragedy,

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<sup>1</sup> Rev. Anthony Cekada [Peregrinus], “Two Bishops In Every Garage,” *The Roman Catholic* V (January 1983), p. 8.

<sup>2</sup> *Ibid.*

psychological strain and mental complexes. He cited a pro-Thuc publication to make his point. He said:

A newsletter which supports Mgr. Ngo [dinh-Thuc] describes him as a 'timid asiatic who was easily influenced,' and continues:

Once again, realize the fact that Mgr. Ngo, physically and *psychologically worn out*, . . . only wants peace and quiet . . . It should be noted that this prelate *has acquired some complexes*, and that age doesn't help things.  
[Emphasis added.]<sup>3</sup>

Fr. Cekada also noted that Archbishop Lefebvre ". . . who knew Mgr. Ngo, observed that he never recovered from the death of his brothers."<sup>4</sup>

#### *Fr. Sanborn and the Mental State of Archbishop Thuc*

After the February 1988 interviews with Dr. Hiller and Dr. Heller, Fr. Sanborn concluded, in no uncertain terms, that there must have been something seriously wrong with the mind of Archbishop Thuc for him to have done the things he did. Even when he later became an avid defender of the Thuc consecrations, he still acknowledged that insanity and senility were two of three possible explanations for his behavior. "It is true," he wrote, "that Abp. Thuc was either insane, senile, or extremely gullible in order to have done the things that he did."<sup>5</sup> Then, practically conceding insanity, he tried to defend the validity of the Thuc consecrations by

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Rev. Donald Sanborn, *Report On Theological And Canonical Principles Governing The Consecration Of Bishop Guérard Des Lauriers*, [September 1988], p. 3.

saying of Archbishop Thuc that "no one has ever attested to the fact that he was in a habitual state of complete loss of reason."<sup>6</sup>

*Bishop Barthe and the Mental State of Archbishop Thuc*

Bishop Gilles Barthe of the diocese of Frejus-Toulon in France raised questions about the mental competence of Archbishop Thuc. Bishop Barthe concelebrated the New Mass with Thuc on Holy Thursday, April 16, 1981, three weeks before the consecration of Fr. Guérard des Lauriers. He later called into question the validity of Fr. des Lauriers' consecration, as well as that of Fr. Moises Carmona, to whom "Bishop" Dolan traces his orders. His reason had to do with questions about the mental competence of Archbishop Thuc. The concelebration took place on April 16, 1981. The consecration of Fr. des Lauriers was on May 7, 1981. Carmona and Zamora were consecrated on October 17, 1981. The statement of Bishop Barthe questioning the validity of these consecrations was published in *La Documentation Catholique* on February 21, 1982 - No. 1824. In it he said:

Certain Catholics are asking me what must be thought of the clandestine ordinations by Monseigneur Ngo Dinh Thuc. Here is that which I can respond: . . .

I voice the most express reservations about the value [valeur] of these ordinations: because of the person of him who did them. Already one time before, on January 11, 1976, Monseigneur Thuc proceeded to some ordinations of this type at El Palmar de Troya. On order from Rome, the apostolic nuncio of Spain immediately recalled "after attentive examination of the facts relative to the presumed episcopal ordinations" that the consecrating prelate was excommunicated, as well as those ordained themselves. Monseigneur Thuc

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<sup>6</sup> *Ibid.*

left Italy where he resided, to come to live in the diocese where we received him fraternally; but I avow that the way in which he explained his "mistake" has never been very clear. It is even less so for the ordinations done in his house at Toulon. It is permitted to ask oneself up to what point he was well aware of the acts which he did and to what point his liberty went. What to think, today, of the affirmations of his regrets and of his promises?<sup>7</sup>

***Cardinal Jose Castillo Lara  
and the Mental State of Archbishop Thuc***

Cardinal Lara, former President of the Pontifical Council for the Interpretation of Legislative Texts, raised questions about the mental competence of Archbishop Thuc in a way that gave the impression that Thuc's "mental imbalance" was a given fact. He stated quite categorically that Archbishop Thuc was mentally unbalanced, and because of this, his actions – from a canonical point of view – did not have the same consequences as those of Archbishop Lefebvre. For if a man is not mentally competent when he breaks the law, he does not actually incur the penalty because he is not responsible. In a letter to John Beaumont, dated May 26, 1993, on the subject of the consecrations done by Archbishop Lefebvre, Cardinal Lara wrote:

Ngo Dinh Thuc represents a pitiable situation, as there is some mental imbalance.<sup>8</sup>

***The Vatican and the Mental State of Archbishop Thuc***

Shortly after Bishop Barthe issued his statement, Archbishop Thuc issued one of his own. In it he affirmed that he

<sup>7</sup> Quoted in Rev. William W. Jenkins, *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn* (Oyster Bay, N.Y.: The Society of St. Pius V [1993]), p. 16.

<sup>8</sup> Cardinal Jose Castillo Lara, quoted in *Fidelity* 13 (March 1994), p. 37.

was lucid when he did the Palmar de Troya consecrations in Spain. He did not refer to the 1981 consecrations about which Bishop Barthe had spoken. He was responding, instead, to a "declaration of Paul VI," which also, it seems, called his mental competence into question. Archbishop Thuc said:

I testify to have done the ordinations of Palmar in complete lucidity.

I don't have anymore relations with Palmar after their chief nominated himself Pope.

I disapprove all what they are doing.

The declaration of Paul VI has been made without me; I heard of it only afterwards.

Given the 19, XII, 1981 at Toulon in complete possession of all my faculties.<sup>9</sup>

This protestation of lucidity, in response to the "declaration of Paul VI," is an indication that what was being questioned by Paul VI was Archbishop Thuc's mental competence.

#### *Fr. Barbara and the Mental State of Archbishop Thuc*

Fr. Noel Barbara, who published the journal *Fortes In Fide*, interviewed Archbishop Thuc in March of 1981 and again in January of 1982. Subsequent to these interviews, he suggested three possible answers to the question of whether or not Archbishop Thuc was "in possession of his faculties." Fr. Barbara wrote:

The relapse into profanation of the sacrament of order (the latest consecration conferred in a sect was on 24 Sep 1982) and the lack of firmness in his promise not to lapse again make it permissible to ask an essential question. Was this old man, over 85 years of age, in possession of his faculties, did he realize what he

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<sup>9</sup> Archbishop Peter Martin Ngo Dinh Thuc, "Declaration About Palmar," *Einsicht* 11 (MARZ 1982), p. 13.

was doing in imposing his hands so easily on no matter whom? Was he truly responsible for his acts? There are only three possible answers to this distressing question.

— No. Thuc was not in possession of all his faculties; he was not responsible and did not incur the penalties provided by the Law. But then the consecrations conferred are not valid, since the consecrator was not in possession of his faculties for the performance of a responsible act.

— Yes. The consecrator at these consecrations was in full possession of his faculties. The consecrations are valid but consecrator and consecrated have incurred all the penalties provided by the Law and Thuc is truly a scandalous bishop.

— We do not know with certainty. Perhaps he was in possession of his faculties, and perhaps he was not. That would leave a doubt hovering over the censures incurred, but also over the validity of all these ordinations.<sup>10</sup>

#### *Resolving the Doubt About Archbishop Thuc's Mental Competence*

Pierre Martin Ngo-dinh-Thuc was a Catholic Archbishop and former seminary professor with three doctorates. He was from a powerful and influential family. He was a man of no little practical ability and one of wide pastoral experience. Thus, when you consider his behavior from the affair of Palmar de Troya to the end of his life in the light of who and what he was, the evident conclusion is that there must have been something seriously wrong with his mind for him to have done the things he did. This was

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<sup>10</sup> Rev. Noel Barbara, *Burning Questions: Straight Answers* (Tours, France: Fortes In Fide [ca. 1983]), Appendix, p. 20.

evident to traditional priests such as Fr. Sanborn and to *Novus Ordo* prelates such as Bishop Barthe and Cardinal Lara. It was evident because the behavior was manifestly abnormal for a man of his position and accomplishments. He acted in a way that indicated he was not in full possession of reason.

Nevertheless, we cannot say for sure. If Archbishop Thuc was actually mentally competent, as his apologists now insist, there are other possible explanations for his bizarre behavior. One possibility is that he was an extremely evil man who hated Our Lord and sought to profane the priesthood, the Mass, the Holy Eucharist and the Sacraments. Another is that he completely lost his faith and that he did the consecrations for some other motive, for example, financial compensation. The point is, to use Fr. Barbara's words:

— We do not know with certainty. Perhaps he was in possession of his faculties, and perhaps he was not. That would leave a doubt hovering over the censures incurred, but also over the validity of all these ordinations.<sup>11</sup>

His behavior certainly suggests that he was not in possession of his faculties. For a Catholic Archbishop and former seminary professor with three doctorates to regularly bestow episcopal consecration on the most unworthy non-Catholics that one could find is behavior that is incompatible with what is normally expected from such a man in full possession of his faculties.

What Archbishop Thuc did is akin to a highly respected president of a medical college awarding medical degrees to men whose only qualification was that they worked as apprentice butchers. If the president of a medical college did such a thing on a regular basis and bestowed twice as many medical degrees on such men as on graduates from medical school, it would not be unreasonable to suspect that something was seriously wrong with his mind.

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<sup>11</sup> *Ibid.*

Yet, by comparison, what Archbishop Thuc did was far worse. It is a greater evil to bestow episcopal consecration on the most unworthy non-Catholics than it is to bestow medical degrees on such men as mentioned above. In one case, the most sacred things of God and the salvation of souls are at stake. In the other, temporal life and the health of the body are at stake. That is why it has to be admitted that if Archbishop Thuc was responsible for what he did, he was a profoundly evil man.

The preponderance of the evidence, however, suggests that Archbishop Thuc was not responsible for what he did and that he had "not the full use of reason." Thus, the preponderance of the evidence indicates that he was "incapable of administering a Sacrament," as Msgr. Pohle said in *The Sacraments, A Dogmatic Treatise*. But since we do not know for sure, we cannot say for certain that the Thuc consecrations are invalid. Neither can we say for certain that they are valid. What we can and must say is that they are certainly doubtful as to validity. Therefore, they must be treated in the practical order as if they were certainly invalid, because when it comes to the validity of the Sacraments, it is forbidden to follow a doubtful or even a merely probable course of action. To quote Fr. Davis again:

In conferring the Sacraments (as also in [the] Consecration in Mass) it is never allowed to adopt a probable course of action as to validity and to abandon the safer course. The contrary was explicitly condemned by Pope Innocent XI. To do so would be a grievous sin against religion, namely, an act of irreverence towards what Christ our Lord has instituted; it would be a grievous sin against charity, as the recipient would probably be deprived of the graces and effect of the Sacrament; it would be a grievous sin against justice, as the recipient has a right to valid Sacraments, whenever the minister, whether *ex officio* or not, undertakes

to confer a Sacrament. In the necessary Sacraments,<sup>12</sup> there is no doubt about the triple sin; in Sacraments that are not necessary, there will always be the grave sacrilege against religion.<sup>13</sup>

In the practical order, then, the Thuc consecrations must be treated as if they were certainly invalid.

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<sup>12</sup> As we have noted above, a Sacrament may be necessary either "absolutely and of its nature, as Baptism, or relatively and in respect of the good of others, as Ordination, absolution, Extreme Unction." (Henry Davis, S.J., *Moral and Pastoral Theology*, vol. 3: *Sacraments (I)*, 3d ed., rev. and enl. (London: Sheed & Ward, 1938), p. 25.)

<sup>13</sup> Henry Davis, S.J., *Moral and Pastoral Theology*, vol. 3: *Sacraments (I)*, 3d ed., rev. and enl. (London: Sheed & Ward, 1938), p. 27.

## CHAPTER 9

# SOME FINAL OBSERVATIONS

### *The Question of Doubt*

The Thuc bishops are tainted with scandal and doubt. Both are very serious matters. But the more serious of the two is the question of doubt as to validity. The apologists for the Thuc consecrations say that the doubts that exist as to the validity of the Thuc consecrations are merely *negative* doubts. They are not real or substantial doubts, the Thuc apologists say. Therefore, they argue, the doubts do not stand in the way of receiving Sacraments from a Thuc bishop or priest. For the layman all this talk of *doubt* is confusing. From one side they hear: "The Thuc consecrations are doubtful as to validity and must therefore be treated in the practical order as if they were certainly invalid, because when it comes to the validity of the Sacraments, we must follow the *safer course*." From the other side they get: "Such objections [about the Thuc consecrations] are what moral theologians call *negative* (or imprudent) doubts. And negative doubts don't render a sacrament 'doubtful'."<sup>1</sup>

What is a Catholic to do? For those who would receive Sacraments that ultimately derive from a Thuc bishop, it is quite obviously necessary to find out where the truth lies. To do this, it

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<sup>1</sup> Rev. Anthony Cekada, "The Validity of The Thuc Consecrations," *Sacerdotium* III (Pars Verna MCMXCI), p. 24.

is necessary to understand something about the nature of *doubt* from a theological point of view. Therefore, before moving on to a consideration of the question of the consecration performed by Bishop Mendez in Chapter 10 and to Fr. Sanborn's April 1995 letter in Part II, we will deal with the question of doubt.

All agree that if the doubts about the validity of the Thuc consecrations are *prudent* doubts, then the consecrations would have to be treated in the practical order as if they were certainly invalid because the *safer course* must be followed when it comes to the validity of the Sacraments. The first thing to determine, then, is the nature of a *prudent* doubt.

A *prudent* doubt is a real doubt as opposed to a mere feeling of doubt. It is a reasonable doubt. A *prudent* doubt in theological terms is a doubt that is both *positive* and *objective*. It is opposed to an imprudent doubt which is *negative* and/or *subjective*. In the face of a *prudent* doubt, *perfect* or *strict* moral certitude cannot exist. For *perfect* or *strict* moral certitude "excludes prudent doubt."<sup>2</sup> It will, perhaps, be helpful to explain the terms.

### *Positive and Negative Doubt*

In his *Doubt In Canon Law*, Fr. Roger Viau explains *positive* and *negative* doubt this way:

A positive doubt arises when there exist motives for doubting, whereas a negative doubt implies the absence of such motives.<sup>3</sup>

The difference, then, between a *positive* and a *negative* doubt is that with a *positive* doubt there is a motive for doubting; whereas with a *negative* doubt such a motive does not exist. A *negative* doubt is more a feeling of doubt than a doubt based on a specific motive or reason. Furthermore, with a *positive* doubt the

<sup>2</sup> Dominic M. Prümmer, O.P., *Handbook Of Moral Theology*, trans. Rev. Gerald W. Shelton, ed. Rev. John Gavin Nolan (New York: P.J. Kenedy & Sons, 1957), p. 62.

<sup>3</sup> Roger Viau, S.T.L., J.C.L., *Doubt In Canon Law*, Canon Law Studies no. 346 (Washington, D.C.: Catholic University Of America Press, 1954), p. 56.

motive for doubting must be a sufficient or valid motive. Fr. Viau says: "Doubt can be positive or negative, according to the presence or the absence of valid motives for doubting; . . . ."<sup>4</sup> There must, therefore, be a motive or reason for doubting and it must be a valid motive.

### *Valid Motives*

An example of a valid motive for doubting *the fact* of an episcopal consecration that was done in secret would be a lack of proof for the fact of the consecration. This would be a valid motive because the principle is that facts are not presumed as certain but must be proved; and in such cases the law of the Church requires proof. An example of a valid motive for doubting *the validity* of an episcopal consecration would be prudent doubts about the mental competence of the minister of that Sacrament. Msgr. Pohle says:

The combination of matter and form into a sacramental sign (*confectio*), and its application to the individual recipient (*administratio*), . . . require a minister who has the full command of reason. Hence lunatics, children, *and others who have not the full use of reason are incapable of administering a Sacrament.* [Emphasis added.]<sup>5</sup>

Thus, according to Msgr. Pohle, the lack of "the full command of reason" in the minister of a Sacrament would render the Sacrament invalid. Therefore, prudent doubt that a bishop lacked "the full command of reason" would be a valid motive for doubting the validity of an episcopal consecration. Such a motive is a valid motive and hence makes the doubt a *positive* doubt as opposed to a merely *negative* doubt.

But it is not enough that the doubt be a *positive* doubt. It

<sup>4</sup> *Ibid.*, p. 55.

<sup>5</sup> The Rt. Rev. Msgr. Joseph Pohle, Ph.D., D.D., *The Sacraments: A Dogmatic Treatise*, adapted and ed. Arthur Preuss, 3d, rev. ed., 4 vols. (St. Louis: B. Herder Book Co., 1944), vol. 1: 162.

must also be *objective* for it to be a *prudent* doubt. For, a *prudent* doubt is both *positive* and *objective*, as we have noted above. It is, therefore, necessary to explain the difference between a *subjective* doubt and an *objective* doubt.

### *Subjective and Objective Doubt*

The difference between a *subjective* doubt and an *objective* doubt is that a *subjective* doubt is a doubt that exists in the mind of the person who is doubting but does not have a basis in reality. An *objective* doubt is based in reality. Fr. Viau says:

Doubt is subjective when it exists in the mind alone, without a corresponding basis in reality or in the nature of things.<sup>6</sup>

Fr. Viau also explains:

Objective doubt specifies that the positive motives which are considered correspond to reality.<sup>7</sup>

For example, if one doubted the validity of an episcopal consecration thinking that the minister of the Sacrament lacked the full command of reason, but there were no factual basis in reality for doubting the mental competence of the minister of the Sacrament, the doubt would be *positive* in the sense that mental incompetence is a valid motive for doubting validity; but, it would be *subjective* because it lacked a factual basis in reality. Such a doubt would not be a *prudent* doubt because to be a *prudent* doubt, it must be both *positive* and *objective*.

On the other hand, if there were a valid basis in reality for doubting the mental competence of the minister of the Sacrament, then the doubt would be both *positive* and *objective* and hence a *prudent* doubt. It would be *positive* because a probable lack of mental competence is a valid motive for doubting validity. It would

<sup>6</sup> Viau, *Doubt*, p. 5.

<sup>7</sup> *Ibid.*, p. 56.

be *objective* because “the positive motives which are considered correspond to reality.”

### ***Positive Motives That Correspond to Reality***

That “the positive motives” for doubting that Archbishop Thuc had “the full command of reason” “correspond to reality” is made plain by a consideration of his behavior from the end of 1975 until his death in 1984. His behavior was manifestly incompatible with the behavior of a Catholic Archbishop and former seminary professor with three doctorates who was also, according to Fr. Cekada, “a bishop with great pastoral experience and a brilliant academic background in theology, philosophy and canon law.”<sup>8</sup> That is to say, it was incompatible with the behavior of such a man who was in full possession of reason. From the consecrations at Palmar de Troya to the consecration of the Old Catholic bishop Christian Marie Datessen in September of 1982, the pattern of abnormal behavior is plain to see for any honest observer.

Hence, the doubts as to the validity of the Thuc consecrations are *objective* because “the positive motives” for doubting that Archbishop Thuc had “the full command of reason” “correspond to reality.” The doubts are also *positive* because the lack of the “full command of reason” in the minister of a Sacrament is a valid motive for doubting validity. The doubts about the validity of the Thuc consecrations are therefore *prudent* doubts since they are both *positive* and *objective*.

### ***Resolving the Doubt***

To resolve the *prudent* doubts about the validity of the Thuc consecrations it would be necessary to submit the case to a competent tribunal. The competent tribunal to which doubts about the validity of ordinations were submitted in the past was the *Sacred Congregation of the Sacraments* that was established by Pope St. Pius X. Fr. Robert Sheehy says “that it is the exclusive right of the S. Congregation of the Sacraments to receive and to examine all

<sup>8</sup> Rev. Anthony Cekada [Peregrinus], “Two Bishops In Every Garage,” *The Roman Catholic* V (January 1983), p. 8.

issues dealing with the validity of ordinations and the obligations attached to them.”<sup>9</sup> The exception would be “if the ordination be impugned on account of a substantial defect in the sacred rite” as in the case of the use of only one hand in the ordination of a priest. Such a case would be handled by “the S. Congregation of the Holy Office.”<sup>10</sup>

### *In the Absence of a Binding Decision*

To resolve the *prudent* doubts about the Thuc consecrations it would be necessary to submit the case to the competent ecclesiastical tribunal which in this case would be the *Sacred Congregation of the Sacraments*. The *S. Congregation of the Sacraments* would have the power to issue a binding decree because it would have the competence to determine the status of the Thuc consecrations in a definitive way. But, since we do not have access to such a competent tribunal, because of the situation in the Church, we must apply the principles that tell us facts are not presumed as certain but must be proved; that the burden of proof rests with the one who makes the assertion; that we cannot act in the face of a practical doubt; and, that we must follow the *safer course*.

All agree that if the doubts about the validity of the Thuc consecrations are *prudent* doubts, then the consecrations would have to be treated in the practical order as if they were certainly invalid because the *safer course* must be followed when it comes to the validity of the Sacraments. The validity of the Thuc consecrations is doubtful. We have demonstrated that the doubts are *prudent* doubts. The Thuc consecrations must, therefore, be treated in the practical order as if they were certainly invalid. To accept them in the absence of a decision from a competent tribunal would be to substitute subjective convictions for principles. It would be to abandon the *safer course* and hence to depart from Catholic morality and practice. Fr. Sanborn said it well when he wrote:

<sup>9</sup> Rev. Robert F. Sheehy, A.B., J.C.L., *The Sacred Congregation Of The Sacraments*, Canon Law Studies no. 333 (Washington, D.C.: Catholic University Of America Press, 1954), p. 97.

<sup>10</sup> *Ibid.*, pp. 97-98.

Ordination by its very nature is social and public, and the Church has the obligation of publicly ascertaining the orders of its priests, [and bishops] . . . .<sup>11</sup>

Until such time as the competent authority definitively settles the question of doubt with regard to the Thuc consecrations, the consecrations must be treated in the practical order as if they are certainly invalid. For, in such matters the *safer course* must be followed.

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<sup>11</sup> Rev. Donald Sanborn to the Fathers Of The Society Of Saint Pius V, [1991], Personal Files of Bishop Clarence Kelly, Round Top, NY.

## CHAPTER 10

# THE CASE OF BISHOP MENDEZ

We now come to the consecration that was performed by Bishop Mendez on October 19, 1993, at Carlsbad, California, in the Bishop's private chapel. As we shall demonstrate, the situation with regard to this consecration is dramatically different from that of the Thuc consecrations. There is an abundance of documentary evidence, including authentic documentary proof. There is the testimony of the priests who were present at the consecration. And there is conclusive proof that Bishop Mendez was of sound mind.

### *Documentary Proof*

The documentary proof for the consecration that was done by Bishop Mendez includes: (1) a *Letter of Consecration* which bears the signature and seal of Bishop Mendez; (2) an *Attestation of Episcopal Consecration* signed by Bishop Mendez, in the presence of two witnesses, and bearing his seal; (3) a *Declaration Of Episcopal Consecration* signed by Bishop Mendez, in the presence of three witnesses, and bearing his seal; and (4) Bishop Mendez' "SI DILIGIS ME . . ." Statement. (See Appendix A: Documents 2, 3, 4 and 1.)

1.) The *Letter of Consecration* is similar to the Certificate of Ordination that a priest receives when he is ordained. It is written in Latin and testifies to the place, the time and the fact of the consecration. It is signed by Bishop Mendez and bears his seal.

2.) The *Attestation of Episcopal Consecration* is a document written in English. It, too, attests to the time, place and fact of the

consecration. It is signed by Bishop Mendez in the presence of two witnesses; and, it bears the Bishop's seal and the signatures of the two witnesses.

3.) The *Declaration Of Episcopal Consecration* is similar in form to the *Attestation of Episcopal Consecration* with this essential difference: it is signed in the presence of *three* witnesses whose signatures also appear on the document under the heading "OATH OF WITNESSES." It says: "We the undersigned profess, testify and swear before Almighty God that Bishop Alfred Mendez did personally sign the above declaration in our presence." That the *Declaration* is signed in the presence of *three* witnesses makes it an *authentic* private document. It therefore produces the same juridical effect as a public document, as Fr. Augustine says, and thus proves "what is directly and principally affirmed" in it.<sup>1</sup> (See Part I, Chapter 3, *The Force of Public and Private Documents*.)

4.) Bishop Mendez' "SI DILIGIS ME . . ." statement was sworn to and signed by Bishop Mendez before a notary. It explains his reasons for ordaining priests and consecrating a bishop. It, too, is an *authentic* document because it was signed in the presence of a notary. In it Bishop Mendez says:

And although I retired from Arecibo in 1974, I remain a Bishop, still responsible in my lifetime to do all in my power to feed the lambs and sheep, which means to secure for them the Sacraments of the Church. And in these days when the Holy Sacrifice of the Mass is being abandoned all over the world – Tolle Missam, Tolle Ecclesiam – I have secured, as far as possible, the Sacraments for the Faithful by the ordinations of two Society of St. Pius V priests for them on September 3, 1990, and, to continue the priesthood, the consecration of a Bishop for them on October 19, 1993.<sup>2</sup>

<sup>1</sup> Rev. P. Chas. Augustine, O.S.B., D.D., *A Commentary On The New Code Of Canon Law*, 3d ed., 8 vols. (St. Louis: B. Herder Book Co., 1925-1931), vol. 7, p. 259.

<sup>2</sup> Bishop Alfred F. Mendez, "SI DILIGIS ME . . .," *The Roman Catholic* (Special Edition 1995), p. 3.

There are also many photographs of the consecration ceremony, including photographs of the imposition of hands which is the essential matter of the Sacrament. The documentary proof for the consecration done by Bishop Mendez is, therefore, abundant and conclusive.

### *Testimonial Evidence*

In addition to the documents and photos of the ceremony, including photos of the imposition of hands by Bishop Mendez, there were five priests present at the consecration. Two served as the Assistant Priests whose presence is always required when there are no co-consecrating bishops. The purpose of the Assistant Priests is to lend solemnity to the ceremony and to insure that the *Roman Pontifical* is accurately followed – especially with regard to the matter and the form of the Sacrament. The Assistant Priests were Fr. William Jenkins and Fr. Thomas Mroczka, whose testimonials appear in Appendix A: Documents 5 and 6. Fr. Paul Baumberger and Fr. Martin Skierka were the servers. Fr. Joseph Greenwell photographed the ceremony at the request of Bishop Mendez.

### *The Mental State of Bishop Mendez*

The mental competence of Bishop Mendez is morally certain, with *perfect* (strict) moral certitude, and legally established. It is attested to by his doctors, lawyers, the hospice nurse who enrolled him in the hospice program just days before his death, his personal secretary of eighteen years, Dr. Natalie White, and friends and acquaintances.

### *Carl M. Bengs, M.D.*

Dr. Carl M. Bengs, M.D. was Bishop Mendez' personal physician since 1982. On March 15, 1995, Dr. Bengs made a "Declaration" to the Superior Court of California under penalty of perjury. The complete text is as follows:

March 15, 1995

Bishop Mendez was my patient since 1982. In October 1993 he was hospitalized from October 1–11

for pneumonia and respiratory failure. He was in intensive care most of this time and for some time not expected to live. However, he rallied and after his discharge slowly improved.

After leaving the hospital Bishop Mendez was seen in my office October 22 and 26 and during the following year and a half of his life was seen on a regular basis, ie., 12/29/93; 2/1/94; 2/24/94; 4/13/94; 6/21/94; 7/21/94; 7/28/94; 8/16/94 (he was referred to Dr. Lucas Bonagura at this visit because of gastrointestinal problems); 9/19/94; 9/29/94; 11/3/94; 11/9/94; 11/22/94; 12/06/94. At all of these meetings with Alfred Mendez he was oriented and while weak physically was certainly competent mentally and with a good sense of humor when last seen on 12/6/94.<sup>3</sup>

The testimony of Dr. Bengs is conclusive legal proof that Bishop Mendez was mentally competent. (See Appendix A: Document 12.)

*Timothy Licher, M.D.*

On Friday, January 20, 1995, eight days before his death, Bishop Mendez visited Dr. Timothy Licher in Cincinnati, Ohio. When Dr. Licher saw Bishop Mendez, he immediately suspected that he had cancer of the liver or pancreas. He told Bishop Mendez that if he, in fact, had cancer of the liver or pancreas he would not live long. Bishop Mendez said that he understood and that he was prepared. He said: "*That's alright. I don't mind. I'm ready to die.*"<sup>4</sup> After the death of Bishop Mendez, Dr. Licher issued the following

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<sup>3</sup> Testimony of Dr. Carl M. Bengs, M.D., Superior Court of California, County of San Diego, 325 South Melrose Drive, Vista, CA 92083, North County Branch, Estate of Alfred F. Mendez aka Alfred Francis Mendez, Case Number PN 020393.

<sup>4</sup> Quoted in Fr. William Jenkins, "Bishop Alfred F. Mendez And The Consecration Of Bishop Clarence Kelly," *The Roman Catholic* (Special Edition 1995), p. 14.

statement dated February 23, 1995. Dr. Licher subsequently had this statement notarized. (See Appendix A: Document 13.)

Alfred Mendez was first seen in my office on 1/20/95 for weight loss and jaundice. He was subsequently diagnosed 5 days later to have pancreatic carcinoma. At the time when I saw him on 1/20/95, the patient was coherent, alert, oriented, and had good long-term and short-term memory. It was my professional opinion at that time that the patient was able to make any and all decisions concerning his financial and physical well-being. There was no evidence of any difficulty with judgment or insight.<sup>5</sup>

*Kelly Dougherty - Hospice Nurse*

Mrs. Kelly Dougherty is a Registered Nurse. She is the director of nursing at the Victoria Retirement Community and is associated with Hospice of the Miami Valley in Cincinnati, Ohio. For the hospice she is an admissions nurse. In this capacity she does the initial assessment for those who are to be enrolled into the hospice program. On Thursday, January 26, 1995, she went to the rectory on Montana Avenue in the Westwood area of Cincinnati. She went to enroll Bishop Mendez into the hospice program. Bishop Mendez had been released from the hospital that very afternoon. He was taken by ambulance to the rectory. I accompanied him in the ambulance.

Among the forms that had to be filled out by the admissions nurse were forms having to do with life support and extraordinary means of preserving life. It is the duty of the admissions nurse to observe the patient's mental capacity and demeanor. If the patient does not appear to have the mental capacity to execute the necessary documents, the documents must then be signed by someone other than the patient, namely, the person responsible for the patient. In

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<sup>5</sup> Timothy J. Licher, M.D., to Father William Jenkins, February 23, 1995,  
Personal Files of Bishop Clarence Kelly, Round Top, NY.

the case of Bishop Mendez that person was Fr. Jenkins who was present in the rectory at the time. He could have easily signed the papers if Bishop Mendez did not understand or was not able to sign them. But Bishop Mendez was able to sign them, and the nurse was quite satisfied that he knew exactly what he was doing.

What is significant is that it was not absolutely necessary for Bishop Mendez to fill out and sign the forms. If Mrs. Dougherty had had any doubt about his mental competence to admit himself into the hospice program, Fr. Jenkins was legally empowered to sign the forms. Furthermore, before that first meeting none of us had ever met her; nor was she even a Catholic. She interviewed Bishop Mendez and did her physical evaluation on Thursday, January, 26, 1995. Bishop Mendez died on Saturday, January 28th.

#### *Clement O'Neill – Attorney*

In 1988 Bishop Mendez had a mild stroke. In point of fact it was a TIA. A TIA is a transient ischemia attack, that is to say an attack from which no permanent damage results. In fact, to be classified as a TIA the patient must fully recover in less than twenty-four hours. In March of 1989 Bishop Mendez went to see his attorney Mr. Clement O'Neill. Mr. O'Neill prepared a document called a "Directive To Physicians." This document is provided for under the California Health and Safety Code Section 7188. It was signed by Bishop Mendez on March 21, 1989, in the presence of two witnesses. One of the witnesses was Mr. O'Neill who affirmed that "the declarant [Bishop Alfred F. Mendez] has been personally known to me *and I believe him to be of sound mind.*" (Emphasis added.)

This is very significant because Mr. O'Neill later became the attorney for the Holy Cross Fathers in their attempt to overturn the December 1994 Will of Bishop Mendez on grounds of mental incompetence. It was alleged by them in papers filed by Mr. O'Neill that Bishop Mendez was mentally debilitated as a result of the stroke he had had in 1988 that was actually nothing more than a TIA. Thus, what was alleged in the papers contradicted what Mr. O'Neill certified in March of 1989. That document, the "Directive To Physicians," was going to be entered as evidence by Fr. Jenkins.

It would have put Mr. O'Neill in a very difficult position in the eyes of the court and perhaps in the eyes of the Bar Association. The glaring contradiction between what Mr. O'Neill said in the "Directive To Physicians" and what was in the papers filed by the Holy Cross Fathers may have been what prompted the Holy Cross Fathers to change attorneys. They subsequently hired a well-known firm. The advice they received from their new attorneys, it appears, was good advice.

The Holy Cross Fathers had instituted two lawsuits. One was to overturn Bishop Mendez' Will on the grounds of mental incompetence and undue influence. The other was to prevent the distribution of certain items of his personal property. After changing attorneys they petitioned the court for permission to withdraw their suits *with prejudice* against *them*. This request of the Holy Cross Fathers for dismissal *with prejudice* means they can never again re-institute these lawsuits. It is equal in law to having lost the suits. Such a request represents a dramatic legal defeat and constitutes an implicit admission that their challenge to Bishop Mendez' Will on grounds of mental incompetence and undue influence was essentially frivolous and without foundation. In a word, they knew they were going to lose, and they wanted to get out of the suits they had filed. (See Appendix A: Document 11.)

#### *E. David Wininger - Attorney*

In 1994 Bishop Mendez appeared many times before Mr. E. David Wininger who succeeded Mr. O'Neill as his attorney. Mr. Wininger prepared many documents for Bishop Mendez. It was he who prepared, as well, Bishop Mendez' last Will and two amendments to his Trust documents. The final version of Bishop Mendez' Will was signed before Mr. Wininger in December of 1994. The Will and the Trust were upheld in the California courts. Mr. Wininger makes it plain that in his professional opinion Bishop Mendez was mentally competent. He wrote:

I was contacted in early 1994, by Bishop Alfred F. Mendez who requested my assistance with respect to modification of a trust which he had previously

signed and the preparation of a will. On various occasions throughout 1994, I met with Bishop Mendez regarding these and other matters.

On February 18, 1994, he signed an amendment to his trust and on April 8, 1994, he signed a further amendment to his trust. On December 6, 1994, he signed a will. All of these documents were prepared in accordance with his instructions and signed in my presence.

In my professional opinion, on all occasions when I met with Bishop Mendez, he was competent to discuss his financial matters, competent to enter into trust agreements and competent to sign wills.

Very truly yours,  
E. David Wininger [See Appendix A: Document 14.]<sup>6</sup>

*Dr. Natalie E. White*

Dr. Natalie E. White was Bishop Mendez' secretary for the last eighteen years of his life. Her mother had been his housekeeper up to the time of her death in 1984. Dr. White received her doctorate from Yale University. In the course of her academic career she taught at George Washington University, the University of Virginia, Notre Dame University, St. Mary's College, and the University of Portland. She was received into the Catholic Church on September 11, 1953, by Bishop Mendez who had converted her. The following exchanges took place at the Cincinnati hearing on the burial of Bishop Mendez. The questions (Q.) are asked by Mr. Giglio. The answers (A.) are Dr. White's.

Q. -- did you ever discuss his [i.e., Bishop Mendez'] wishes, or did he ever tell you his wishes as to where he might wish to be buried upon his death?

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<sup>6</sup> E. David Wininger to Father William Jenkins, June 28, 1996, Personal Files of Bishop Clarence Kelly, Round Top, NY.

A. Yes. At first he said Texas, Austin. And then January '94, he wrote them a letter -- had me write a letter to them and get some information. And he thought if he went to Texas he would be buried with the priest that he had worked with.<sup>7</sup>

Later when Bishop Mendez moved near the San Luis Rey Mission in California, he thought about being buried there. Dr. White continued:

A. . . . I was very much in favor of it because it was so close, and so were his friends there. But then in the summer he told his doctor and others, that he wanted to be buried with St. Pius V, the young priest[s] and the nuns there. But he did not make it final until he could go and see the cemetery, and see the nuns. See what was there.

He was a man who always checked out everything before he made his final --

Q. Did you ever suggest or recommend that he be buried in New York?

A. New York? He -- that was his wish, St. Pius V.

Q. Okay. Did you ever tell him he should be buried there?

A. Oh, no. No.

Q. Why not?

A. Because if I had told him that's where, he wouldn't have been. He didn't take orders from anybody. He did what he wanted to do. I wanted Santa Re [San Luis Rey] Mission principally, but his desire was New York. That's where he should be. He was the bishop, I was just --

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<sup>7</sup> Complete Transcript Of Proceedings, Court Of Common Pleas, Hamilton County, Ohio, Case No. A9500507, pp. 196-197.

Q. I understand. . .<sup>8</sup>

Further along in the testimony Mr. Giglio asked:

Q. Were you able to see and observe his health condition and his state of mind?

A. Yes, of course.<sup>9</sup>

Dr. White went on to testify that Bishop Mendez did not have a stroke in 1993, but rather on the "Thursday after Easter, 1988."<sup>10</sup> He had had a mild stroke at that time from which he quickly recovered. It was actually nothing more than a TIA that has no permanent effect on the person, as we mentioned. Mr. Giglio asked about the condition of Bishop Mendez after his release from the hospital in early October 1993 when he had been hospitalized with double pneumonia. He asked:

Q. When you talked to him after October 1993, did he understand you ?

A. Yes. Yes.<sup>11</sup>

Dr. White had some trouble hearing Mr. Giglio. With the permission of the Court he moved closer to ask his questions. He had been standing back at some distance from the witness stand. When he moved closer Dr. White said:

A. Yes, I can hear you fine.

Q. All right. After that, was the Bishop -- when you discussed matters, was he able to make decisions on his own?

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<sup>8</sup> *Ibid.*, pp. 197-198.

<sup>9</sup> *Ibid.*, p. 200.

<sup>10</sup> *Ibid.*, p. 201.

<sup>11</sup> *Ibid.*, p. 202.

A. Yes. Yes. Any decision that he made was his decision, always.<sup>12</sup>

Further along in the testimony the Judge asked Dr. White directly about the condition of Bishop Mendez at the end of January 1995:

THE COURT: Ms. White?

THE WITNESS: Yes.

THE COURT: What was the physical condition of Bishop Mendez since about January the 1st, to January the 22nd or 28th of this year?

THE WITNESS: He was deteriorating physically. Not mentally, but physically. He was 87, and on his way out.

MR. GIGLIO: Thank you, Judge.

Q. On the 26th, were you present, or in the residence of Father Jenkins when a document was signed by Bishop Mendez?

A. Yes. He had said he had been to the cemetery; he had seen it. He had been to the nuns, and he wanted to be buried there.

Q. Who did he tell this to?

A. He told it to me, and to the priest. And I suggested that he sign a paper to that affect [sic] with it, so there wouldn't be [sic] any problems afterward. Absolutely. That would be it.<sup>13</sup>

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<sup>12</sup> *Ibid.*, p. 203.

<sup>13</sup> *Ibid.*, pp. 204-205.

Further along Mr. Giglio asked:

Q. Okay. Now, you've already testified to his deteriorating health. Were you able to observe Bishop Mendez at or about the time that the document was presented to him? Even though you didn't witness him sign it, were you able to see how he was at the time?

A. Yes. He was mentally alert. His body may have been failing, but his mind was clear. It was very clear. Like any other human being, he may have forgotten something from time to time, but on a business matter, or something that he wanted, like this burial, his mind was clear, and he made it clear to everybody else.

Q. This the last -- well, you've known him for many years. In the years that you were with him, with Bishop Mendez, [did] he ever indicate or tell you or anyone in your presence, that he wished to be buried in Puerto Rico?

A. No. . . .<sup>14</sup>

Dr. White was cross-examined by Mr. Stephen Black. Then on redirect examination the following exchanges took place between Mr. Giglio and Dr. White, and the Judge and Dr. White.

Q. I just have two questions, Ms. White. You were asked a lot of questions from Attorney Black concerning your own personal memory [i.e., beliefs].

A. Yes.

Q. Did you have discussions with Bishop Mendez regarding these beliefs?

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<sup>14</sup> *Ibid.*, p. 206.

A. Bishop Mendez was my spiritual adviser and we talked religion.

Q. And your description that you gave attorney, Mr. Black, are they -- are those feelings and beliefs consistent with what you understood Bishop Mendez' feelings and beliefs were?

A. Yes.

Q. Thank you. That's all.

THE COURT: Maybe I misunderstood the question and the answer.

Are you saying to this Court that Bishop Mendez shared the same belief as you and the members of the Society of St. Pius?

THE WITNESS: Yes.

THE COURT: All right. Thank you.

Any further cross?

MR. BLACK: No, sir.<sup>15</sup>

#### *The Testimony of Others*

And finally, in addition to testimony that has already been presented which conclusively proves that Bishop Mendez was mentally competent, there is the testimony of many other people who knew Bishop Mendez. For example, I received a letter from one of Bishop Mendez' nieces after his death. It refers to the time before the consecration but after the TIA in 1988, just as Dr. Bengs' letter refers to the time after the consecration. Her notarized letter is dated May 10, 1995, and says in part:

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<sup>15</sup> *Ibid.*, pp. 221-222.

May 10, 1997

Dear Bishop Kelly,

My name is Joy Mendez Komnick and I am the niece of Bishop Alfred F. Mendez. On January 9, 1993, my husband and I flew to Anaheim, California for the annual convention of the American Farm Bureau Federation. We rented a car at John Wayne Airport, and drove to Carlsbad for the sole purpose of visiting Uncle Alfred and touring the area where I grew up. My father used to own the Carlsbad Hotel.

We arrived at Uncle Alfred's home about 11 a.m. on Sunday, January 10th. He greeted us with the same smile, enthusiasm, spirit and happiness that I've always known him to possess and we had the best time. We went out for lunch and returned back to his home on Galleon Way, where my husband video taped a conversation I had with him. . . .

I'm hoping you can use this tape in making a case for my Uncle in your efforts to carry out his last wishes. The man I visited on January 10, 1993 was the very same man I've known and loved all my life. His sharp mind, his sense of humor, his ability to see things the way they really are, his irrepressible charm, everything I've ever known Uncle Alfred to be was there that day. . . .

Please let me know if I may be of any further help. Although my husband did not press the "date and time" button on the video camera, I can prove we were there by providing copies of airline tickets, etcetera. Also, thank you from the bottom of my heart for the magnificent book you sent me representing Uncle Alfred's life. I deeply appreciate having it and thank you for remembering me. God bless you!

In His Service,  
Joy Mendez Komnick<sup>16</sup>

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<sup>16</sup> Joy Mendez Komnick to Bishop Clarence Kelly, May 10, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

I also have a letter from Mr. and Mrs. Patrick Kilcullen, long-time friends of Bishop Mendez, who visited with him on December 8, 1994, the month before he died. They write:

May 30, 1995

Your Excellency,

It has been brought to our attention that untrue allegations have been brought against Bishop Alfred F. Mendez. This holy man of God was a friend, confidant, and confessor to my husband and I, and our family for over thirty two years. We write on his behalf since he is not here to defend himself. He enriched our lives with his holiness, his vast store of spiritual knowledge, his exemplary life, and his wit. *Which I might add he maintained to the end of his life. . . . [Emphasis added.]*

Sincerely yours in Christ,

Patrick J. and Elizabeth S. Kilcullen<sup>17</sup>

It is very significant that the last visit of Bishop Mendez to the Kilcullens took place the month before his death. This fact puts them in a very advantageous position to judge his mental state in the light of their thirty-two year relationship with him.

Another friend of Bishop Mendez from the San Diego area by the name of Frederick A. Seib sent me the following sworn affidavit dated May 18, 1995:

I have known The Most Reverend Bishop Alfred F. Mendez (affectionately referred to by his friends simply as 'Padre') since the latter part of 1983.

Since that first meeting 12 years ago we had become very good friends. We visited one another frequently at my home or his and we would meet,

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<sup>17</sup> Mr. and Mrs. Patrick Kilcullen to Bishop Clarence Kelly, May 30, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

when possible, for Friday afternoon fish dinners. On occasion we were joined by Dr. Natalie White, his secretary and housekeeper and once in awhile by my sister. Our discussions on these occasions covered the gamut of topics from domestic and international politics and finance to religion and where the church and Catholic faith was headed after Vatican II. In all instances and on all occasions I found the views expressed by the 'Padre' clear, concise and direct. *I can recall no time when I detected the usual overt signs of ageing. . . . [Emphasis added.]*

Frederick A. Seib<sup>18</sup>

Christopher D. James, a neighbor of Bishop Mendez, wrote this notarized letter:

May 19, 1995

My wife and I knew Bishop Mendez from 1989 until May 1994 when we were neighbors on Galleon Way in La Costa, California.

During that time we found him to be decisive, lucid and in no way mentally impaired.

Christopher D. James<sup>19</sup>

Mrs. Palmer DeDonna, who knew Bishop Mendez from May of 1994 to January of 1995, sent me this letter notarized on May 25, 1995:

Palmer and I met Bishop Mendez when he visited our home with friends in May. He greeted us with warmth and a smile made in heaven.

<sup>18</sup> Frederick A. Seib, sworn affidavit, May 18, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

<sup>19</sup> Christopher D. James to Bishop Clarence Kelly, May 19, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

We were fortunate to share many meals and conversations with him, "Padre", during the past year. His mind was alert and strong and he shared memories of his mother and his life. He knew from the time he met Mother Cabrini when he was nine years old that he would be a priest. He spoke clearly and without hesitation and his great love of children was always obvious.

Padre suffered a great deal of pain but he rarely complained. He was more concerned about the loss of faith and morals in our society and the many serious problems that have surfaced. He never despaired though, that through prayers and sacrifices God will provide.

The year 1994 will remain the highlight of our life; we actually visited until he left in January, 1995. And we are filled with hope and joy in the future of our children and grandchildren because of the influence of Bishop Mendez.

Trusting in God.  
Marie DeDonna<sup>20</sup>

This letter is also very significant because Mr. and Mrs. DeDonna visited with Bishop Mendez right up to January 1995, the month of his death.

Another letter that is very significant is one from Dr. Leonard A. Erdman, M.D. Dr. Erdman, who had known Bishop Mendez for many years, wrote this letter on July 18, 1996:

July 18, 1996  
To Whom It May Concern:

This is to certify that Bishop Alfred Mendez had been a patient of mine for over 25 years and was

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<sup>20</sup> Marie DeDonna to Bishop Clarence Kelly, May 25, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

last seen in October, 1994. At no time in many years of service had Bishop Mendez been disoriented as to time, place and events.

Sincerely,  
Leonard A. Erdman, M.D.<sup>21</sup>

### *Conclusions*

The contrast between the consecration performed by Bishop Mendez and the consecrations done by Archbishop Thuc is as striking as the contrast between the two men. For the consecration done by Bishop Mendez there is conclusive documentary proof. For the Thuc consecrations there is little or no documentary proof. For the consecration done by Bishop Mendez there are five priest witnesses. For the Thuc consecrations there are only two rather inattentive and forgetful laymen whose testimony is essentially defective. For the consecration done by Bishop Mendez there were Assistant Priests, as is always required by the Church. For the Thuc consecrations there were none.

Similarly, the contrast between the mental state of Bishop Mendez and that of Archbishop Thuc is also striking. The preponderance of the evidence indicates that there was something seriously wrong with the mind of Archbishop Thuc. For Bishop Mendez there is overwhelming and conclusive proof that he was mentally competent. His mental competence is morally certain with a *perfect* or *strict* moral certitude. It is legally established by the sworn testimony of Dr. Bengs who testified under oath and under penalty of perjury that Bishop Mendez "was certainly competent mentally," and it is testified to by the friends of Bishop Mendez who knew him best. The Holy Cross Fathers were forced to withdraw their suits because they stood no chance of winning in court. And the civil courts upheld the Bishop Mendez Trust as well as his Will.

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<sup>21</sup> Leonard A. Erdman, M.D. to Fr. William Jenkins, July 18, 1996, Personal Files of Bishop Clarence Kelly, Round Top, NY.

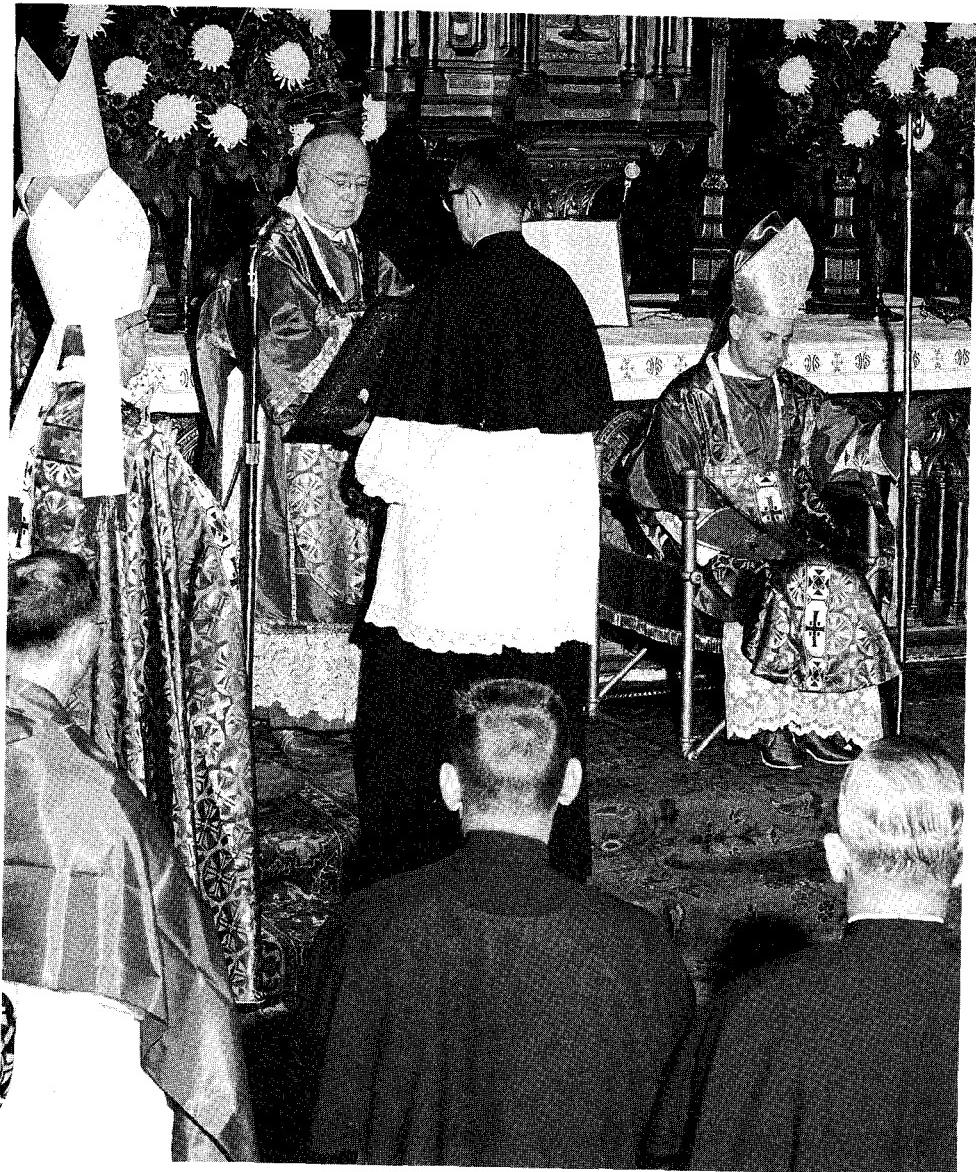
When you put it all together, the conclusions are evident and inescapable:

- 1.) For the consecration done by Bishop Mendez there is:
  - a) authentic documentary proof,
  - b) certain testimonial evidence and
  - c) conclusive proof of Bishop Mendez' mental competence.

Taken together these establish both the fact and validity of the consecration. The *perfect* (strict) moral certitude, therefore, which is required by the Church in such matters, exists as to the fact and validity of the consecration. In the practical order the consecration must be treated as certainly proven with regard to fact and validity.

- 2.) For the Thuc consecrations there is:
  - a) insufficient documentary proof,
  - b) defective testimonial evidence and
  - c) overwhelming evidence that Archbishop Thuc was not in full possession of reason.

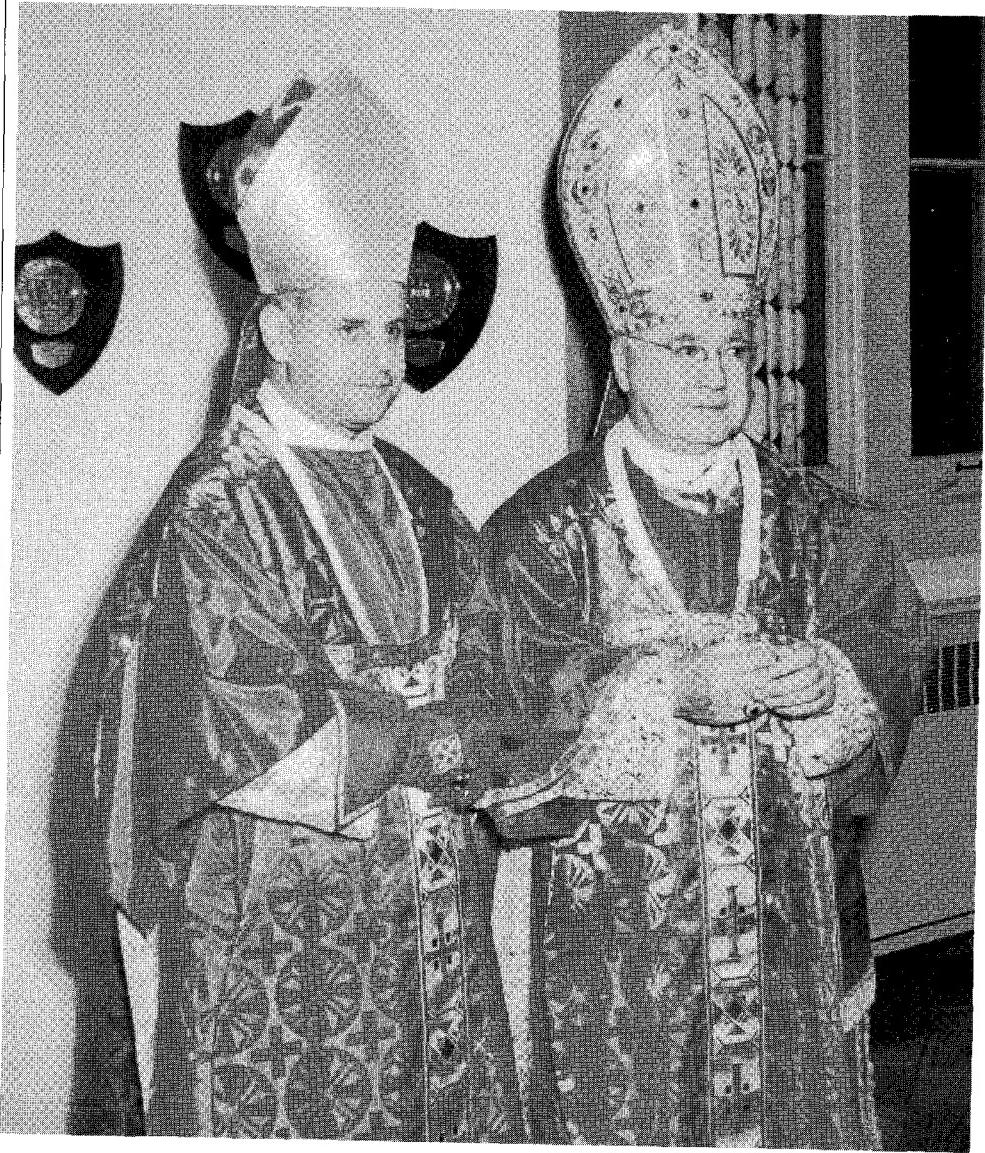
Taken together these prove that the Thuc consecrations as to fact and validity are dubious. Therefore, the *perfect* (strict) moral certitude which is required by the Church in such matters does not exist. The dubious Thuc consecrations must, therefore, in the practical order, be treated as if they were certainly invalid because it is a grave sin to abandon the *safer course* when it comes to the validity of the Sacraments.



Bishop Alfred F. Mendez seated on the faldstool at his consecration ceremony on October 28, 1960. Standing to his left are Cardinal Francis Spellman and the two co-consecrators, Bishop Richard Ackerman and Archbishop Edwin Byrne.



Bishop Mendez with the two co-consecrating bishops.



Bishop Alfred F. Mendez and Cardinal Francis Spellman.

**PART II**

**THE LETTER**

# **THE TEXT OF FR. SANBORN'S APRIL 1995 LETTER TO THE CATHOLIC PEOPLE**

**Rev. Donald J. Sanborn**

**April 1995**

My dear Catholic people,

In recent months, you have most probably heard of an alleged episcopal consecration of Fr. Clarence Kelly. As the story goes, on October 19, 1993, in the bedroom chapel of the then 86-year-old Bishop Alfred Mendez, Fr. Kelly was consecrated a bishop in an ultra-secret ceremony, in the presence of only five other priests.

No word of the alleged consecration was breathed until shortly after the death of Bishop Mendez on January 28th, 1995.

The announcement of the consecration came in the form of personal presentations made by some of the priests who were allegedly present at the consecration. The overall impression given by these presentations was that Bishop Mendez was a thoroughly traditional and saintly bishop, with a stainless theological, liturgical, and moral record.

This last point is significant, since the priests associated with this alleged consecration are those who have for years been extremely critical of other priests. They have criticized other priests for becoming involved with bishops whose consecrations derive

ultimately from Archbishop Thuc. They have said that Archbishop Thuc was not truly traditional, that he did scandalous things, that he was not in his right mind. And they maintain that any bishop who comes from Archbishop Thuc's orders is tainted by his alleged scandals and alleged mental incapacity.

As we shall see, however, by uncanny irony Fr. Kelly himself has emerged from an alleged consecration that labors under these very problems: one that is difficult to prove, one in which the consecrator was neither traditional nor of high reputation, and whose mental capacity – at the time of the alleged consecration – is called into doubt by his own family members and religious order.

### *The Enclosed List of Facts*

Ordinarily the episcopal consecration of any traditional priest should be the cause of joy to all of us who are fighting the same battle against modernism. Unfortunately this one has been the cause of apprehension, owing both to the problems surrounding it and to the fact that it will likely be used as a pedestal for further attacks on other priests.

Enclosed is a list of facts about Bishop Mendez, entitled *Notes on Bishop Mendez & an Episcopal Consecration*. These are facts, and not mere hearsay. There is not a single fact on these pages that is not verified by eyewitnesses or by document.

I am sending you this information for a twofold purpose: (1) to set the record straight concerning Bishop Mendez and Fr. Kelly's alleged consecration, in the case that anyone should want to get involved in it; (2) to point out the lack of credibility of those who so vehemently attacked the consecrations done by Archbishop Thuc. For those who do the very things they condemn others for doing are not worthy of credibility.

### *Setting the Record Straight*

As I said above, an impression is being given that Bishop Mendez was a saintly traditional bishop with a sterling theological, liturgical, and moral reputation. This allegation has been much

touted, in order to present Fr. Kelly as someone who does not labor under the problems of those whose orders proceed from Archbishop Thuc. It is as if he is the "pure bishop," whereas others are "tainted bishops."

Here I will let the facts in the *Notes* speak for themselves. I believe that the reader will garner a somewhat different picture. What emerges from the page is a Novus Ordo bishop, not very edifying in his conduct, bizarre in many ways, but somewhat inclined toward traditional trappings owing to personal friendships with traditionalists. What emerges is a very worldly prelate who lives in fear of losing face with the Novus Ordo, and who even goes so far as to use a phony name, a phony identity by wearing lay clothes, ultra-secrecy and finally denial in order to remain on their good terms. Bishop Mendez' plan was successful: the Novus Ordo welcomed him as one of their own in the Arecibo cathedral.

The sins of the consecrator, to be sure, do not "migrate" to the person consecrated, contrary to what Fr. Kelly always has led one to believe. But I think that the faithful and prospective seminarians especially should be familiar with the lying, the secrecy, and cover-ups concerning Bishop Mendez' identity and background, as well as the problems surrounding proof of consecration and Mendez' mental capacity.

### *Lack of Credibility*

The other reason for presenting these facts is to prove that those who have criticized the Thuc consecrations are not worthy of credibility. They are not worthy of credibility because they themselves have done the very thing which they condemn others for having done.

For example:

- Fr. Kelly, back in 1988, *ranted and raved* about how a secret consecration would never be accepted by the Church. Yet in 1993, he accepts to be consecrated in an ultra-secret ceremony, which is not revealed until after the bishop's

death. This means that no objective person – someone without a personal interest in the consecration – was able to go to Mendez and verify the fact *or* verify his mental capacity. Now Fr. Kelly emerges from this ultra-secret and unverifiable consecration, and expects all to accept it.

- Fr. Kelly *ranted and raved* in attacks made upon me in 1993, about how I and other priests changed our minds about the Thuc consecrations. Yet we see, from Fr. Zapp's eyewitness testimony, that Fr. Kelly was so scandalized by Bishop Mendez' conduct at the 1990 ordinations, that he shook his head and said, "*I will never do this again.*" Three years later, he has himself consecrated a bishop, or so he says. So it is all right for him to change his mind, but not anyone else.
- Fr. Kelly *ranted and raved*, in a seemingly endless manner, about Archbishop Thuc's mental capacity. Yet we see him emerge from an alleged consecration, done by an 86-year-old man, who, according to his family, was hospitalized only two and a half weeks earlier for a stroke. According to Mendez' housekeeper, the bishop was unconscious for five days in the hospital, and his sister says that he did not recognize her in the hospital. Bishop Mendez' religious superior visited him about six months after the alleged consecration, and said, under oath, that he thought the bishop was suffering from Alzheimer's disease. (Alzheimer's, as everyone knows, is a progressive disease).
- Fr. Kelly *ranted and raved* that the consecrations of Archbishop Thuc were not properly documented. When a document was produced, written in Thuc's own hand and witnessed by two witnesses, Fr. Kelly conceded nothing, passed over the fact in silence and began to attack Archbishop Thuc as being mentally incompetent. Now Fr. Kelly is allegedly consecrated by a bishop who used a

phony name and then lied, in writing, about doing the ordinations in 1990, referring to them as "an ugly rumor," in order to protect himself from the censure of the Novus Ordo. Yet we are expected to accept Bishop Mendez' documents without question.

- Fr. Kelly *ranted and raved* about Archbishop Thuc's alleged association with non-catholics. He consents, however, to be consecrated by a bishop who is in open communion with the Novus Ordo, which Fr. Kelly has repeatedly called a non-catholic sect. Bishop Mendez was furthermore desirous of gathering all traditionalists into a Tridentine Ordinariate, that is, a separate rite under the auspices of the new religion. To top it all off, Bishop Mendez was in communion with the Feeneyites, whose doctrines were condemned by Rome in 1949, and the signature of a Feeneyite actually appears on one of the consecration documents. Yet Fr. Kelly is known to have refused a Feeneyite sacraments on her death-bed. A double standard?

We all know that if any of these facts which are recounted concerning Bishop Mendez had been said of Archbishop Thuc, Fr. Kelly would have used them in his bulletins as ammunition for criticism. We would have never heard the end of it, if Archbishop Thuc's family said he was mentally impaired, or if six months after the consecration, his religious superior said that he thought he had Alzheimer's. We would have never heard the end of it, if Archbishop Thuc had used a phony name and then lied, in writing, about the consecrations which he did, referring to them as "ugly rumors." This information would have been plastered from one end of the country to the other, with the conclusion that these consecrations are doubtful, and we can have nothing to do with them. Yet when *Fr. Kelly* does it, and it is *his* episcopacy, the rules change, and he who criticizes it is accused of "malice." This is the height of hypocrisy.

*Reaction of the Novus Ordo*

Rev. James E. McDonald, C.S.C., the Provincial of the Holy Cross Fathers, writing for the Novus Ordo "Apostolic Nuncio" in Washington in a letter to a lay person, dated March 28, 1995, made the following comments:

In that last six years of his life Bishop Mendez was in extremely delicate and fragile physical and mental health. He was eighty-seven when he died and in the last several years suffered heart problems, strokes, and loss of memory. I believe that he may have been taken advantage of in these last years by the Society of Saint Pius V.

We are not prepared to say, and may never be prepared, to say whether he in fact ordained these people and whether he ordained them validly.

Now imagine if these things had been written about Archbishop Thuc, what Fr. Kelly would have said. He would have had the proverbial "field day" in using them to attack the consecrations done by Thuc. But when it concerns *his* alleged consecration, we are expected to ignore such comments. To me this is unheard-of hypocrisy.

*Some Concluding Observations*

Because of all of the deceit, cover-up, hypocrisy, phony names, and secrecy surrounding Bishop Mendez and those who participated in receiving orders from him, it is objectively difficult to prove that this consecration took place. Take a step back, for instance. Imagine if you did not know the personalities involved, but merely heard that in a foreign country, say Brazil, a very small and closed group of priests claimed that their leader was consecrated by an 86-year-old bishop, who was always seen in lay clothes because the mob was after him, who used a phony name,

who hobnobbed with movie stars and frequented the gambling and showgirl hot spots, and who had had a stroke only two and a half weeks previous. They wait until the phony-named incognito bishop dies, and then announce it. The family testifies in court that the man was mentally impaired, and his religious superior says he thinks he had Alzheimer's. Would you want to get involved in something like that?

The question of Mendez' competency is serious. The testimony in favor of his competency would have to be very strong in order to dispel all serious doubt. It is true that the cognitive power necessary to perform a sacrament validly is easy to achieve: you simply have to know what you are doing and intend to do it. But for the record of posterity, will seminarians ever feel right about receiving orders from a bishop who was consecrated by an 86-year-old man, about whom it is said by eyewitnesses, under oath, that he was "mixed up" and thought to have had Alzheimer's?

What is equally serious is the bizarre episode, recounted by Fr. Zapp, an eyewitness, of Bishop Mendez' garbled pronunciation of the essential words at the 1990 ordination, and the bishop's impatience at having to re-do them. Why would he garble these words, when he had pronounced all the others properly? Priests *slow down* and pay attention to the essential words very carefully.

For the moment I reserve judgment about this consecration. I want to see all of the evidence before making a definitive judgment for my own conscience. But I already know, that no matter what I finally think about it, whether there is sufficient evidence or not to prove its fact or validity, it is something that I do not want to get involved in.

## **THE RESPONSE TO FR. SANBORN'S LETTER**

### **PARAGRAPH 1**

**“In recent months, you have most probably heard of an alleged episcopal consecration of Fr. Clarence Kelly. As the story goes, on October 19, 1993, in the bedroom chapel of the then 86-year-old Bishop Alfred Mendez, Fr. Kelly was consecrated a bishop in an ultra-secret ceremony, in the presence of only five other priests.”**

***“In recent months, you have most probably heard of an alleged episcopal consecration of Fr. Clarence Kelly.”***

The episcopal consecration, referred to by Fr. Sanborn, did in fact take place. Yet, I do not disagree with Fr. Sanborn that an episcopal consecration that is done privately may properly be referred to as “an alleged episcopal consecration” until such time as it has been established by authentic documentary proof or conclusive testimonial evidence. The principle, as we have pointed out, is: “facts are not presumed (as certain), but must be proved.”<sup>1</sup> Until such time as the fact of such a consecration has been proved,

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<sup>1</sup> Rev. P.J. Lydon, D.D., *Ready Answers In Canon Law*, 4th ed., enl. and rev. (New York: Benziger Bros., 1954), p. 476.

it remains “an alleged episcopal consecration.” Since we have conclusively proved the fact and the validity of the consecration done by Bishop Mendez, it is no longer “an alleged episcopal consecration.” On the other hand, the Thuc consecrations remain “alleged” consecrations because of a lack of sufficient proof to establish the fact of the relevant consecrations and positive and objective doubts about the mental competence of Archbishop Thuc, which render such consecrations doubtful as to validity, even if there were sufficient proof to establish the fact of the consecrations.

*“As the story goes, on October 19, 1993, in the bedroom chapel of the then 86-year-old Bishop Alfred Mendez,*

*Fr. Kelly was consecrated a bishop”*

The consecration took place on October 19, 1993, the Feast of St. Peter of Alcantara. It took place in Bishop Mendez’ private chapel. Many years before the consecration Bishop Mendez had converted one of the rooms in his residence into a chapel, which, over the years, was used exclusively for that purpose. Fr. Sanborn’s characterization of the chapel as a “bedroom chapel” is incorrect. That a bishop would have a chapel in his home or that such a private chapel would be used for the administration of the Sacraments is not unprecedented. In his treatise on *The Privileges of Bishops*, Fr. McElroy says:

As for the other sacraments, all functions proper to the Bishop, such as Confirmation and Ordinations, may be held in the Bishop’s chapel, though, as De Meester points out, it would not be fitting to hold such functions there with regularity.<sup>2</sup>

*“Fr. Kelly was consecrated a bishop in an ultra-secret ceremony,”*

The consecration was performed by Bishop Mendez in the presence of five priests. Two of the priests acted as Assistant

<sup>2</sup> Rev. Francis J. McElroy, A.B., J.C.L., *The Privileges Of Bishops*, Canon Law Studies no. 282 (Washington, D.C.: Catholic University Of America Press, 1951), p. 35.

Priests as is required by the Church when there are no co-consecrators. Two served, and one took photographs of the ceremony at the request of Bishop Mendez. The consecration was not announced publicly until the death of Bishop Mendez, as he had requested. Since his death we have learned that Bishop Mendez had discussed the consecration before it occurred with members of his family as well as with a former colleague in Puerto Rico who tried to dissuade him from doing it.

It should also be noted that Fr. Sanborn had no problem with the fact that the ordinations of Fr. Greenwell and Fr. Baumberger were done privately. When he was informed about the ordinations, after the fact, he told me that he understood. He had no problem with it. Nor does he really have any problem with the fact that my consecration was done privately. He now tries to make an issue of it the way a lawyer would who is not so much interested in the truth of the situation as he is interested in making a point. This is indicated by Fr. Sanborn's admission in a letter to a mutual friend. On May 20, 1995, he wrote to Mr. Donald Fantz and, in reference to his criticism of the consecration done by Bishop Mendez, said:

I was not criticizing the secrecy of the alleged consecration, but rather the hypocrisy of Fr. Kelly in accepting to be secretly consecrated . . . .<sup>3</sup>

Furthermore, it is no wonder that Bishop Mendez wanted to do the consecration privately. After the ordinations of Fr. Joseph Greenwell and Fr. Paul Baumberger he was subjected to considerable harassment and no little abuse. Even Fr. Sanborn, who had written such a beautiful note to him, turned against him. He did this in spite of the fact that he had praised Bishop Mendez "for this most courageous step for the preservation of our holy Catholic Faith in this age of modernism."

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<sup>3</sup> Rev. Donald Sanborn to Mr. Donald Fantz, May 20, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

*"In the presence of only five other priests."*

There were five priests present at the consecration: Fr. William Jenkins, Fr. Thomas Mroczka, Fr. Martin Skierka, Fr. Joseph Greenwell and Fr. Paul Baumberger. Fr. Sanborn has no problem with this either. If he really did have a problem with a consecration that was witnessed by "only" five priests, he would certainly have a problem with a consecration that was witnessed by "no" priests. He would have a problem with a consecration that was witnessed by "only" two rather absent-minded professors who could not even recall if the consecrating bishop had laid hands on the head of the one consecrated. If Fr. Sanborn were being honest with his readers and perhaps with himself, his position would be the exact opposite of what it is. He would publicly accept the consecration done by Bishop Mendez and would say that since there were "only" two unprepared and rather forgetful laymen present at the Thuc consecrations and no priests or Assistant Priests, as the Church requires, he cannot accept the Thuc consecrations as proven, even apart from the problems with the mental state of Thuc.

The absence of Assistant Priests at a consecration done without co-consecrating bishops is very significant. The presence of Assistant Priests is extremely important. For they are required not only to lend solemnity to the consecration but also to insure that the *Roman Pontifical* is exactly followed, especially as regards the essential matter and form of the Sacrament. Fr. Clancy says:

When two co-consecrators are not available, a dispensation must be sought. In this case the Supreme Pontiff, in granting the dispensation, *always commands that the consecrator be assisted by two or three priests* of some special dignity.  
[Emphasis added.]<sup>4</sup>

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<sup>4</sup> Walter B. Clancy, J.C.L., *The Rites and Ceremonies of Sacred Ordination*, Canon Law Studies no. 394 (Washington, D.C.: Catholic University Of America Press, 1962), p. 74.

That there were no Assistant Priests present at the Thuc consecrations to witness and to assist the consecrating bishop is an *extremely* significant thing. It is a grave matter in itself. It is especially serious in the case of Archbishop Thuc, who does not inspire confidence that everything would be done correctly. As Fr. Cekada said:

Mgr. Ngo's actions from 1975 onward do not inspire a great deal of confidence in his judgment or in his prudence: the Palmar affair, the promises made and promises broken to the Vatican, the involvement with "Old Catholics," concelebrating the New Mass while claiming he really wasn't, then consecrating someone who believes the New Mass is invalid. While everyone is entitled to a few mistakes, one is forced to say that those made by Mgr. Ngo were very grave indeed – objectively, they were inexcusable, especially for a bishop with great pastoral experience and a brilliant academic background in theology, philosophy and canon law.<sup>5</sup>

Furthermore, the ceremony of episcopal consecration is extremely complex. Fr. Cekada called it "fearfully complex."<sup>6</sup> It would be extremely difficult to perform the ceremony of episcopal consecration correctly without Assistant Priests and servers in any case. In the case of Thuc it would be that much more difficult. Nor do Dr. Hiller and Dr. Heller, Fr. Guérard des Lauriers and Fr. Carmona, the priest to whom "Bishop" Dolan traces his orders, inspire confidence.

Fr. Guérard des Lauriers was apparently a very intelligent man but not a practical man. He was a thinker who, as Fr. Cekada said, "wandered off into the dense underbrush of obscure philosophical speculation."<sup>7</sup> And he sought out Thuc for episcopal consecration because he believed he had received a divine message

<sup>5</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic* V (January 1983), pp. 7-8.

<sup>6</sup> *Ibid.*, p. 8.

<sup>7</sup> *Ibid.*, p. 7.

that he was to become a Thuc bishop. Fr. Noel Barbara says that he was a man devoid of all practicality. Thus he wrote of him:

I had never doubted the exceptional intelligence of the Reverend Father, nor for that matter, the width and depth of his knowledge of the science of theology. On the other hand, what I have always said about this great soul – those that knew him will not disagree with me – was that he suffered from an almost total absence of practical judgment. In an almost habitual fashion he would support and defend the worst side of any issue.

It was this lack of judgment on his part that led me to break off all relations with him.<sup>8</sup>

Neither is Fr. Carmona a man who inspires great confidence. As Fr. Cekada wrote in his 1983 article on the Thuc bishops:

On April 1, 1982, Father Carmona signed an 85-word Latin document attesting that he performed the Rite of Episcopal Consecration for Father George Musey. A friend of ours who holds a doctorate in classical languages claims it contains at least a dozen grammatical errors. (Father Musey is described as being “nationalitate norteamericana.”) Father Carmona’s autobiography states that he taught Latin in a Mexican seminary.<sup>9</sup>

It was also Carmona who consecrated Mark Pivarunas who was a member of the Mount St. Michael “sect,” as Fr. Cekada characterized it.<sup>10</sup>

<sup>8</sup> Rev. Noel Barbara, “The Episcopal Consecrations Conferrred By His Excellency Archbishop Peter-Martin Ngo Dinh Thuc,” *Fortes in Fide* 12 (1er trimestre 1993), pp. 28-29.

<sup>9</sup> Cekada, “Two Bishops,” p. 9.

<sup>10</sup> Pivarunas was a successor of the Old Catholic bishop Francis Schuckardt who was the founder of the “sect.” Schuckardt was ordained and consecrated by a married Old Catholic bishop named Daniel Q. Brown who had been

When you have such people as these, there is no question that Assistant Priests are needed to insure that everything is done correctly. Thus, in light of the circumstances and people involved, the question arises: Did Archbishop Thuc perform the ceremony correctly or did he alter the ceremony of episcopal consecration? Did he leave out parts? According to a publication of *BRITONS CATHOLIC LIBRARY*, he did omit parts in the case of the consecration of Fr. Guérard des Lauriers:

. . . Guérard des Lauriers himself acknowledged that Thuc had made changes in the ritual of Consecration, omitting several parts. The passages acknowledged to have been omitted are not essential to validity, and one cannot therefore be certain that the Consecration was invalid; but once one is aware that someone changes the ritual of the sacraments, one can never be sure exactly what he is getting up to, nor what might have happened at other Consecrations of which no records are available. And this is especially so in the case of Thuc, in respect of whom there seems to be good evidence that he was senile and did not possess full judgement. Thus in our view there are grounds for hesitation as to the validity of the Orders of *all* bishops descended from Thuc.<sup>11</sup>

How could Fr. Sanborn sincerely believe that there is a problem with the consecration done by Bishop Mendez while at the same time insisting that the Thuc consecrations must be deemed valid? If he really had a problem with the consecration done by Bishop Mendez, he would have nothing to do with the Thuc consecrations. It is only logical.

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consecrated on September 21, 1969, by Hubert Augustus Rogers of the *North American Old Roman Catholic Church*. Rogers was assisted in his consecration of Brown by his own son, James H. Rogers, and by an apostate Franciscan priest named George T. Koerner who left the Catholic Church in 1951. (See *Independent Bishops: An International Directory*, [Detroit: Apogee Books, Penobscot Building, 1990], pp. 56-57.)

<sup>11</sup> "Letter No. 10," *Britons Catholic Library* 1 (August 1993), p. 128.

## **PARAGRAPH 2**

**“No word of the alleged consecration was breathed until shortly after the death of Bishop Mendez on January 28th, 1995.”**

It is true that the consecration was not to be publicly announced until after the death of Bishop Mendez. It is not true that “no word . . . was breathed until shortly after” his death. Bishop Mendez told the family of Fr. Baumberger about the consecration after the fact on one of his visits to Cincinnati. And, as we noted above, he had also informed certain members of his own family as well as a former colleague in Puerto Rico six months before the fact. Dr. Natalie White, the Bishop’s secretary of eighteen years, knew about the consecration before it happened and was present in the Bishop’s residence when it took place.

### **PARAGRAPH 3**

**“The announcement of the consecration came in the form of personal presentations made by some of the priests who were allegedly present at the consecration. The overall impression given by these presentations was that Bishop Mendez was a thoroughly traditional and saintly bishop, with a stainless theological, liturgical, and moral record.”**

*“The announcement of the consecration came in the form of personal presentations made by some of the priests who were allegedly present at the consecration.”*

The announcement about the consecration was made in the chapels and Mass centers of the Society of St. Pius V by the priests of the Society who were, in fact, present at the consecration. The photos of the consecration, which chronicle the ceremony and show which priests were present, were displayed for the laity. A *Special Edition* of *The Roman Catholic* magazine that contains articles, documents, photographs and the facts about the consecration was produced.<sup>1</sup>

Fr. Sanborn knows and believes that the priests of the Society of St. Pius V were present at the consecration. He is firmly convinced of this fact, just as Fr. Cekada is firmly convinced of the fact and validity of the consecration itself. Fr. Cekada told Mr. John Scarpa, Jr., a lawyer who attends our Mass at Oyster Bay, New

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<sup>1</sup> This Special Edition is still available. It may be obtained by writing to the Society of St. Pius V, 8 Pond Place, Oyster Bay, NY 11771.

York, that there was no question that the consecration done by Bishop Mendez was valid.

Furthermore, making such statements as Fr. Sanborn does here not only tends to undermine his credibility in the light of his total acceptance of the Thuc consecrations, it also indicates that his attack on the consecration done by Bishop Mendez is motivated by something other than a search for the truth. As Fr. Cekada might say, it is “based on something other than objective norms of sacramental theology.”<sup>2</sup>

*“The overall impression given by these presentations was that Bishop Mendez was a thoroughly traditional and saintly bishop, with a stainless theological, liturgical, and moral record.”*

The “overall impression” given by the presentations is a true and correct impression. Bishop Mendez loved the Church. He had the true Faith. He loved souls. He said the traditional Mass daily. He defended Archbishop Lefebvre to the Vatican in 1976 when the Archbishop was condemned by Paul VI. He wept over the destruction that was brought about by the changes. And he was a man of courage. Indeed, the “overall impression” is the same as the impression that one gets from reading Fr. Sanborn’s October 2, 1990, letter to Bishop Mendez. That impression is one of a Catholic bishop who is worthy of our gratitude. It is one of a bishop who not only alleviated our priestly burdens but who gave “courage and enthusiasm to the lay people who are so lost in this crisis of the Church.” It is one of a bishop to whom we would gladly present more young men for ordination. And finally, it is one of a bishop who took a “most courageous step for the preservation of our holy Catholic Faith in this age of modernism,” as Fr. Sanborn so beautifully put it.

Thus, the articles that were printed in the *Special Edition* of *The Roman Catholic* recounted the life of Bishop Mendez and some of his accomplishments. They especially focused on his holy death. The overall impression given by the presentations and articles is

<sup>2</sup> Rev. Anthony Cekada, “The Validity of The Thuc Consecrations,” *Sacerdotium III* (Pars Verna MCMXCII), p. 11.

accurate and true. It is thus no more or less than the impression given by Fr. Sanborn's letter to Bishop Mendez, as noted above. That Fr. Sanborn is now troubled by what we said about Bishop Mendez after his death is yet another indication that the destruction of Bishop Mendez' reputation is part of a hidden agenda. That agenda involves the justification of Fr. Sanborn's association with a Thuc bishop ("Bishop" Dolan at present) and the imposition of a Thuc bishop on the faithful and seminarians. What he is trying to do is to neutralize potential opposition to this terrible thing he is doing. Bishop Mendez just happens to be the victim. As Fr. Sanborn said in his May 22, 1995, letter to Fr. Jenkins in which he tried to explain away what he said in his April 1995 letter: "In no way was my purpose a vindictive attack against the person of Bp. Mendez."<sup>3</sup>

Fr. Sanborn should praise Bishop Mendez for doing the consecration just as he praised him for doing the ordinations of Fr. Greenwell and Fr. Baumberger. The last thing he should do is try to justify his association with a Thuc bishop at the expense of Bishop Mendez' reputation.

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<sup>3</sup> Rev. Donald Sanborn to Fr. William Jenkins, May 22, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

## PARAGRAPH 4

**“This last point is significant, since the priests associated with this alleged consecration are those who have for years been extremely critical of other priests. They have criticized other priests for becoming involved with bishops whose consecrations derive ultimately from Archbishop Thuc. They have said that Archbishop Thuc was not truly traditional, that he did scandalous things, that he was not in his right mind. And they maintain that any bishop who comes from Archbishop Thuc’s orders is tainted by his alleged scandals and alleged mental incapacity.”**

*“This last point is significant, since the priests associated with this alleged consecration are those who have for years been extremely critical of other priests.”*

The position taken by Fr. Cekada in his 1983 article on the Thuc bishops reflected the views of the other priests. We have always opposed the Thuc bishops as dubious and scandalous. Our position did not change before or after the ordinations of Fr. Greenwell and Fr. Baumberger by Bishop Mendez. Fr. Sanborn knew this. Why, then, did he not attack us for our association with Bishop Mendez then and for the ordinations as he attacks us now for the consecration? What has changed? Fr. Sanborn has changed. He has changed because he has made a definitive decision to get involved with a Thuc bishop. His attack on Bishop Mendez is directly related to this decision, as we have already pointed out.

*“They have criticized other priests for becoming involved with bishops whose consecrations derive ultimately from Archbishop Thuc.”*

As we have said, our opposition to the Thuc consecrations goes back to Fr. Cekada's 1983 article and beyond. We have not changed. Our position has remained consistent. We hold today what Fr. Sanborn affirmed about the Thuc bishops after the interviews with Dr. Hiller and Dr. Heller. (1) Validity cannot be proved in the external forum. (2) Even if validity could be proved, we could have nothing to do with the Thuc bishops or consecrations because they are too "sordid." (3) There must have been something seriously wrong with the mind of Archbishop Thuc to have done the "bizarre" things he did. We agreed with Fr. Sanborn when he said these things in February of 1988. We agree today that his assessment then was a good one. We also agreed with Fr. Cekada's assessment in his 1983 article on the Thuc bishops that:

To take these self-styled bishops to task on the basis of either theological opinion or canon law would only dignify what they have done – and discussions based upon mere opinion tend to draw our attention away from the facts.

Consider the history of the affair as a whole: private revelations, the Palmar affair, reconciliation with the Vatican, involvements with French "Old Catholics," concelebrating the New Mass, together with a sudden involvement with someone who believes it's invalid [Fr. des Lauriers], "secret consecrations," a sudden "Declaration" about the Holy See, high-sounding "Oaths of Unity," a Latin teacher who has problems with Latin, [i.e., "Bishop" Carmona] a disappearing priest who ends up a "bishop," "Father" DeKazel, Franciscans "whose Bishop is the Pope in Rome," a one-priest monastery-seminary-convent-retreat house, sudden hairpin turns on ideology, mysterious "offers of the episcopacy," claims of "tacit consent," self-proclamations of universal ordinary jurisdiction, and so on.

Can we really take all this seriously and suppose that the "bishops" involved in such goings-on are the future of the Church? Impossible. Even to refer to them as "traditional Catholic bishops" lends too much respectability to the whole business, which is, in this writer's opinion, very disrespectable indeed.<sup>1</sup>

As for Fr. Dolan, we agree with what he said in the past as well. When asked about the Thuc bishops some years ago, he said that he would not touch them with a ten foot pole. In the past Fr. Sanborn, Fr. Cekada and Fr. Dolan "criticized other priests for becoming involved with bishops whose consecrations derive ultimately from Archbishop Thuc." Now they praise them and condemn others for holding fast to what they themselves believed in the past.

***"They have said that Archbishop Thuc was not truly traditional,"***

There is no question that Archbishop Thuc was "not truly traditional." It is a fact easy to demonstrate. His liberal tendencies were manifested at the Second Vatican Council. He expressed his Modernist ideas in his autobiography, as we will now demonstrate.

***Archbishop Thuc at the Council***

During the Second Vatican Council Archbishop Thuc said that he was consoled by the presence of Protestants; but, he complained that the heads of non-Christian religions were not invited to the Council. He said that their absence was a scandal to the whole world. The *Council Daybook* says of Archbishop Thuc: "He made a strong recommendation that heads of non-Christian religions be invited to the council as observers."<sup>2</sup> During the Council Archbishop Thuc got up and said:

<sup>1</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic V* (January 1983), p. 15-16.

<sup>2</sup> Floyd Anderson, ed., *Council Daybook, Vatican II* (Washington, D.C.: National Catholic Welfare Conference, 1965), p. 151.

With great consolation I see present in these assemblies the delegates of the non-Catholic Christian Churches, to be witnesses of our fraternity, sincerity and liberty. But where are the delegates or observers of the non-Christians? . . .

This scandal coming to the whole world from the absence of any invitations sent to the chiefs of the non-Christian religions I expounded in the central commission – but in vain. I earnestly begged the council to make good this omission, so that this most loathsome [“odiosissima”] discrimination between some religions and religions may no longer be found.

This absence of an invitation to the heads of the non-Christian religions confirms in a certain manner that prejudice creeping throughout the Asiatic and African world:

The Catholic Church is a church  
for men of white colour and not  
for coloured men.

I do not know what prejudice can prevent us from sending an invitation to these nations whose number is as the sand of the sea to contemplate the face of Mother Church in the person of her rulers, so that their heart may be attracted to the faith and embrace of Mother Church in which there is no distinction of Jew, nor of Greek, nor of coloured and of white.

What do the Fathers of the Council feel about this matter, this argument?<sup>3</sup>

<sup>3</sup> Taken from *Acta Synodalia Vaticani II*, volume 2, part 1, pp. 358-359; quoted in *The Roman Catholic XVI* (1994), no. 2, pp. 17-18.

Archbishop Thuc was, of course, mistaken. The heads of non-Christian religions had been invited to the Council. When he was informed of this, he apologized to the Council Fathers saying:

After going on for so long, I beg the forgiveness of the Fathers, because I have abused your patience to no purpose, given that my friend the Archbishop of Diamantina has just pointed out to me that an invitation was made to non-Catholics, and – unhappy me! – I have tried to open a gate which was already open. So if this is true, I extol the benevolence of the Sovereign Pontiff with great praises, and, if I may, I offer the greatest thanks to him in the name of all those non-Christians.<sup>4</sup>

*Archbishop Thuc's "Autobiography"*

As Archbishop Thuc manifested his liberalism and ecumenism at the Council, he revealed his strong Modernist tendencies in his "autobiography." In it he expressed his support for diversity in worship. He spoke about "Civilizations" as being sacred. He said they are "the work of God Who is pleased by unity and by diversity." He opposed any attempt to impose a uniform way of saying Mass on the Church. He attacked the legitimate use of papal authority. He held that the rites of the Mass should be determined by local custom in view of the fact that, depending on one's culture, one might eat sitting on his heels, "sitting on the ground" using "a banana leaf" or even "with chopsticks." In fact, Thuc's defense of the Traditional Latin Mass was little more than an application of his Modernist notion of worship to Western Civilization which like the pagan civilizations, he would say, was also "the work of God." Thus he wrote:

Why impose only one manner of celebrating the Holy Mass which consists, uniquely, in the Consecration? And to impose it under penalty of

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<sup>4</sup> *Ibid.*, p. 18.

suspension and even excommunication – is this not an abuse of power? Actually, would Paul of Tarsus have been excommunicated by a Peter because he consecrated bishops without referring the matter to Peter?

The Vatican invents regulations in order to choke any particularity be it liturgical, or be it canonical, of the local Churches. It wishes uniformity everywhere without thinking that the liturgical particularities of oriental Churches date back to the apostolic age, and without considering that each people has its characteristics just as respectable as those of Rome. . . .

Jesus consecrated, at the Last Supper, according to the Jewish custom for the Passover. Presently, the priest consecrates while standing and receives Communion in an inclined position. Why should he do that, since one eats while sitting? The Japanese eat while sitting on their heels; Hindus eat while sitting on the ground and the food spread out on a banana leaf. The Chinese and the Vietnamese eat with chopsticks. One may logically be surprised that Paul VI would condemn those who celebrate in a different manner, for example, by following the liturgy of St. Pius V. He could just as well condemn, following this logic, the First Mass celebrated by Jesus. . . .<sup>5</sup>

Clearly, “Archbishop Thuc was not truly traditional.” A “truly traditional” Archbishop would not say the things he said or write the things he wrote. Nor would a “truly traditional” Catholic

<sup>5</sup> Archbishop Peter Martin Ngo Dinh Thuc, “Misericordias Domini in Aeternum Cantabo: Autobiography of Archbishop Peter Martin Ngo-Dinh-Thuc, Archbishop of Hue,” *The Seraph* III (November 1982), p. 12.

Archbishop regularly bestow episcopal consecration on the most unworthy non-Catholics that one could find as did Archbishop Thuc.

*“That he did scandalous things,”*

In his 1983 article, Fr. Cekada criticized Archbishop Thuc for his practice of ordaining and consecrating unworthy men. He wrote:

One theme which dominates the affair from beginning to end is a gross and dangerous lack of prudence regarding the transmission of Apostolic Succession – a matter in which the slightest lack of prudence is inadmissible. St. Paul reminds us: “Lay not hands lightly on any man” – he does not say: “Lay hands quickly on anyone.”<sup>6</sup>

Yet, in the case of Archbishop Thuc it was not merely a question of laying “hands quickly on anyone.” It was a question of laying “hands quickly” on the worst non-Catholic scoundrels that one could find, including a known homosexual (according to Fr. Noel Barbara) who was the founder of his own non-Catholic sect and who had been previously consecrated by an Old Catholic bishop who “officiated at a satanist center in Lyons.”<sup>7</sup> Are not these “scandalous things”?

Thuc began to profane the priesthood at Palmar de Troya where he ordained five unqualified laymen during the night of December 31 – January 1, 1975. He further profaned the priesthood when he proceeded to consecrate two of the five and three others on January 11, 1976, at the request of Clemente Dominguez Gomez, who is now known as “Pope Gregory XVII” and who “by January, 1987, according to his own press releases . . . had created 98

<sup>6</sup> Cekada, “Two Bishops,” p. 16.

<sup>7</sup> Rev. Noel Barbara, *Warning, Concerning A Sect Which Is “Made In France”* (Tours, France: Fortes In Fide [ca. 1992]), p. 1.

cardinals and canonised 2,164 saints.”<sup>8</sup> But, of course, that was just the beginning.

On July 10, 1976, Archbishop Thuc consecrated *P.E.M. Comte de Labat d'Arnoux*.<sup>9</sup> Fr. Barbara describes d'Arnoux as just one of many apostates from the Catholic Church who became a Thuc bishop.<sup>10</sup>

On February 8, 1977, Thuc consecrated *Jean Laborie*.<sup>11</sup> According to Fr. Barbara, Laborie was a known homosexual who had been previously consecrated at least twice and perhaps as many as five times. He was consecrated by Jean Pierre Danyel of the Holy Celtic Church (*Saint Eglise Celtique*) on October 2, 1966, and by Louis Jean Stanislaus Canivet of the *Old Holy Catholic Church* on August 20, 1968. “Who is this Canivet?” He was, according to Fr. Barbara,

Nothing else but an apostate from the Catholic Church which he quit in order to found his own Church. Canivet was consecrated (?) a bishop up to *seven times*. It is a belief among sects that the multiplication of consecrations increases the power of the consecrated person. And to Canivet's balance sheet, I must add that he has officiated at a satanist center in Lyons.<sup>12</sup>

Fr. Cekada said:

[Thuc] raised to the episcopate (for the “umpteenth time”) Jean Laborie, leader of a schismatic “Old Catholic” sect, the “Latin Church of Toulouse.” He also ordained another “Old Catholic” from

<sup>8</sup> Gary L. Ward, Bertil Persson and Alan Bain eds., “Gomez, Clemente Dominguez, Holy Palmarian Church,” *Independent Bishops: An International Directory* (Detroit: Apogee Books, Penobscot Building, 1990), p. 161.

<sup>9</sup> Rev. Robert McKenna, “Thuc-Line Bishops,” *Catholics Forever* 99 (April 1992), p. 6.

<sup>10</sup> Barbara, *Warning, Concerning A Sect*, p. 4.

<sup>11</sup> McKenna, “Thuc-Line Bishops,” p. 6.

<sup>12</sup> Barbara, *Warning, Concerning A Sect*, p. 1.

Marseilles named Garcia, and a certain ex-convict named Arbinet who went on later to become a Palmar "bishop."<sup>13</sup>

On March 19, 1977, Thuc consecrated *Claude Nanta de Torrini*, another apostate from the Catholic Church.

On October 19, 1978, he consecrated *Roger Kozik* and *Michel Fernandez*, founders of a non-Catholic sect.

On September 24 (or 25), 1982, Archbishop Thuc consecrated *Christian Marie Datessen*, the so-called "bishop-abbot" of the *Union des Petites Eglises Catholiques*. Datessen was an Old Catholic bishop who had been consecrated on September 10, 1981, by André Maurice Alexandre Enos of the *Old Holy Catholic Church*.

The scandal and sacrilege does not end with these men. As Fr. Cekada said: "The story will not end here – it is probable that 'instant bishops' will continue to multiply exponentially, as among the 'Old Catholics.'"<sup>14</sup>

#### *Some Other Thuc Bishops*

*André Enos* was an apostate Catholic priest who left the Church and became an Old Catholic bishop of the *Ecumenical League For Christian Unity*. He "became a bishop in Europe for the Old Holy Catholic Church founded by Charles Brearley." He was also "a bishop-abbot of the Union des Petites Eglises Catholiques," a non-Catholic sect.<sup>15</sup> Enos consecrated Christian Datessen an Old Catholic bishop. Then Datessen consecrated Enos a Thuc bishop, as we have noted elsewhere. As with Laborie, Enos had been previously consecrated by the same Canivet who, according to Fr. Barbara, "officiated at a satanist center in Lyons."

*Mark (Tarcisius) Pivarunas* is associated with the Mount St. Michael sect of Spokane, Washington. This sect was founded by

<sup>13</sup> Cekada, "Two Bishops," p. 7.

<sup>14</sup> *Ibid.*, p. 16.

<sup>15</sup> Ward, Persson and Bain eds., "Datessen, Christian Marie, Union Des Petites Eglises Catholiques," & "Enos, André Maurice Alexandre, Old Holy Catholic Church," *Independent Bishops*, pp. 107, 132.

Francis Schuckardt who was ordained and consecrated by a married Old Catholic bishop. Schuckardt eventually claimed to be "Pope Hadrian VII," according to a June 21, 1984, letter of his successor, Denis Chicoine. Mark Pivarunas, who succeeded Denis Chicoine, consecrated Fr. Daniel Dolan.

*Fr. Robert McKenna* is a Dominican priest who was consecrated by the Thuc bishop, Fr. Guérard des Lauriers. Fr. McKenna did much good for souls in the past but he has since become known for his "ghost-busting activities." He was featured in *The Globe*, a check-out counter tabloid, and was pictured exorcising a "werewolf." The "exorcism" took place in his church in Connecticut. Although Fr. McKenna is accustomed to print the statement "ABORTION IS MURDER" on his newsletter, he nevertheless maintains "that the human soul is not created at the first moment of conception, as commonly believed, but one-to-two months after it."<sup>16</sup>

Other Thuc bishops include the late Fr. J. Vida Elmer; Oliver Oravec; Fr. Louis Vezelis; the late Fr. George Musey, who called himself the bishop of the "Western Catholic Diocese of the U.S.A."; Fr. Franco Munari; Fr. John Hesson, a diocesan priest from New Jersey who calls himself the "Most Rev. John E. Hesson, O.S.B."; and "Bishop" Daniel Dolan. There are also hundreds – perhaps even thousands – of other "bishops" whose orders derive from Archbishop Thuc, including a Thuc pope and Thuc cardinals in Spain. The sacrilege and scandal go on and on. As Fr. Barbara said:

*We emphasize that Thuc never concerned himself with withdrawing those on whom he imposed hands from these sects. He ordained priests or consecrated bishops in their respective sects [emphasis added]; so that now, by the recklessness of this old Catholic bishop, these unfortunate heretico-schismatics in their sects*

<sup>16</sup> Rev. Robert McKenna, "Editends: Conception Objection," *Catholics Forever* 101 (August 1992), p. 6.

profane the holy mass and all the sacraments which they administer in a manner which is necessarily sacrilegious.<sup>17</sup>

There is, then, no question that Archbishop Thuc "did scandalous things." Indeed, as Fr. Barbara put it:

By his flaunted contempt for the laws of the Church, his simulated repentance followed by frequent lapses and his compromises with a-Catholic [i.e., non-Catholic] sects, Pierre Martin NGO DINH THUC is a scandalous bishop.<sup>18</sup>

***"That he was not in his right mind."***

It is the contention of Fr. Cekada and Fr. Sanborn that Archbishop Thuc was in his right mind when he did the things mentioned above. They say that he was in full possession of reason and knew exactly what he was doing when he consecrated P.E.M. Comte de Labat d'Arnoux, Jean Laborie, Claude Nanta de Torrini, Roger Kozik, Michel Fernandez, and Christian Marie Datessen.

If such is the case, then the conclusion must be that Archbishop Thuc was a profoundly evil man. For, there are few things more evil than to bestow episcopal consecration on such men as Thuc chose to consecrate. Is this the future of the Catholic Church? To quote Fr. Cekada: "Impossible."<sup>19</sup>

Of course, we do not know for sure whether Archbishop Thuc was or was not in his right mind. We do not know for sure if he was or was not in full possession of his mental faculties. If he was, then he was an extraordinarily evil man. If he was not, the consecrations he performed were invalid. But we do not know for sure one way or the other. What we know is what he did. What we know is that the preponderance of evidence points to the same basic

<sup>17</sup> Rev. Noel Barbara, *Burning Questions: Straight Answers* (Tours, France: Fortes In Fide [ca. 1983]), Appendix, p. 20.

<sup>18</sup> *Ibid.*, p. 19.

<sup>19</sup> Cekada, "Two Bishops," p. 16.

fact – in all likelihood Archbishop Thuc was not in his right mind. This, of course, means that the consecrations he performed are probably invalid and certainly doubtful.

*“And they maintain that any bishop who comes from  
Archbishop Thuc’s orders is tainted by his alleged  
scandals and alleged mental incapacity.”*

We maintain the position espoused in the past by Fr. Sanborn; namely, that even if the Thuc consecrations could be established in the external forum, they are too “sordid” for Catholics to have anything to do with them. This is true even apart from the fact that there must have been something seriously wrong with his mind to have done the “bizarre” things he did. The Thuc consecrations are, therefore, tainted by the scandals of Thuc and the prudent doubts about his mental competence. Nor will any amount of calumny splattered on the reputations of other bishops be able to wash away the doubt and scandal with which the Thuc bishops are tainted.

## PARAGRAPH 5

**“As we shall see, however, by uncanny irony Fr. Kelly himself has emerged from an alleged consecration that labors under these very problems: one that is difficult to prove, one in which the consecrator was neither traditional nor of high reputation, and whose mental capacity – at the time of the alleged consecration – is called into doubt by his own family members and religious order.”**

***“As we shall see, however, by uncanny irony Fr. Kelly himself has emerged from an alleged consecration that labors under these very problems.”***

If the consecration done by Bishop Mendez actually labored under the problems that the Thuc consecrations labor under, why would that be a problem for Fr. Sanborn, since he has embraced the Thuc consecrations in spite of the problems he here admits they labor under? But the truth is that the consecration done by Bishop Mendez does not “labor under these very problems.” The *only* similarity between the Thuc consecrations and the consecration done by Bishop Mendez is that it was not done publicly.

***“One that is difficult to prove,”***

Fr. Sanborn is correct when he says that the Thuc consecrations are “difficult to prove.” They are. In fact, with the evidence available, they are impossible to prove. There is not sufficient documentary proof or testimonial evidence. On the other hand, for the consecration done by Bishop Mendez, there is sufficient, abundant and conclusive documentary proof and testimonial evidence for the fact and validity of the consecration.

*"One in which the consecrator was neither traditional nor of high reputation,"*

The second difficulty under which the Thuc consecrations labor is that the consecrator was neither traditional nor of high reputation. Again, Fr. Sanborn is correct in this assessment of Archbishop Thuc who was neither traditional nor of high reputation. He was a very liberal person with strong Modernist tendencies, as we have shown. His deeds were so terrible and notorious that he, having lost his reputation in the opinion of conscientious and upright Catholic people, was truly infamous with *infamy of fact*.

Fr. Sanborn, however, is incorrect when he equates Bishop Mendez with Archbishop Thuc. Bishop Mendez was a validly consecrated Catholic bishop who had the Faith, who loved the Church, who said the old Mass, who supported Archbishop Lefebvre for nearly twenty years, who did not go around bestowing episcopal consecrations on the most unworthy non-Catholics that one could find, and who was of "high reputation" – at least until Fr. Sanborn and Fr. Cekada set out to destroy it. Bishop Mendez was also compassionate towards us in our needs and acted courageously. This fact was recognized by Fr. Sanborn who wrote to Bishop Mendez thanking him and praising him for taking a "most courageous step," by ordaining Fr. Greenwell and Fr. Baumberger.

*"And whose mental capacity – at the time of the alleged consecration – is called into doubt by his own family members and religious order."*

When Fr. Sanborn speaks of the family of Bishop Mendez, he is referring to Bishop Mendez' sister and his grandnephew. After the death of Bishop Mendez they both testified in Cincinnati at the hearing to determine where he would be buried. In evaluating the testimony of Fr. Ebey, the Holy Cross provincial, and certain family members, one must keep in mind the reason they raised questions about the mental competence of Bishop Mendez. That reason was to undermine the statement of January 26, 1995, in which Bishop Mendez requested burial at Round Top, New York.

*Bishop Mendez' Sister*

It is certainly not my intention to say anything bad about Bishop Mendez' sister. I know that he loved her dearly. Nor do I blame her, under the circumstances, for instituting a lawsuit to have the Bishop's body buried in Puerto Rico. Suffice it to say that she was under considerable pressure. She was quite distraught and fearful that her brother's body might fall into the hands of people who high Church officials had told her were not Catholic. To this must be added a serious problem she had with her memory. In fact, four times in the course of her testimony during the February 1995 hearing in Cincinnati, Ohio, she said that she had lost her memory. She testified: 1) "I knew it, but I lost my memory completely." 2) "I don't remember. I've lost my memory completely." 3) "Well, I kept getting worse, and the nurses -- and I lost my memory and everything. I was too sick." 4) "I can't even remember now what the funeral was. I lost my memory completely."<sup>1</sup>

Here is just part of her testimony. The questions (Q.) are being asked by Mr. Black the attorney for Mrs. Adelina Mendez Laugier, the sister of Bishop Mendez. The answers (A.) are given by Mrs. Laugier.

Q. How did you find out Bishop Mendez had died?

A. We found out two or three days later.

Q. From whom?

A. I don't remember. I've lost my memory completely. . . .

Q. Will you tell the Court how you feel about the Bishop being buried in New York State somewhere?

A. Definitely against it. Definitely.

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<sup>1</sup> Complete Transcript Of Proceedings, Court Of Common Pleas, Hamilton County, Ohio, Case No. A9500507, pp. 60, 66, 71, 74.

Q. Why is that?

A. Because he was from Puerto Rico. He wanted to go to Puerto Rico. He didn't like the cold weather. He never liked the cold weather. How is he going to go someplace [sic], and with some people who aren't Catholics.

Q. By that, you mean Roman Catholics?

A. What?

Q. You mean not Roman Catholics?

A. No, they are not Roman Catholics.<sup>2</sup>

Mrs. Laugier states that she did not learn of Bishop Mendez' death until two or three days later. In point of fact, Fr. Jenkins called her on Thursday, January 26th to let her know that her brother was dying. He called her daughter on Sunday, the day after Bishop Mendez' death, so that she could break the news to her mother.

In the course of her testimony, the Bishop's sister also said that Bishop Mendez did not recognize her for three days when he was in the hospital in California for respiratory failure and double pneumonia. This is Fr. Sanborn's basis for impugning his mental capacity. But the simple fact is that Bishop Mendez did not recognize his sister for three days because he was unconscious at the time due to the fact that he was heavily sedated and close to death with respiratory failure and double pneumonia. People who are unconscious do not recognize other people, not even their relatives. To suggest, however, that the failure of an unconscious person to respond to his visitors indicates a mental problem is nonsensical.

#### *The Grandnephew*

Tomas A. Gonzalez is the grandnephew of Bishop Mendez who visited him on January 5, 1995, three weeks before his death.

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<sup>2</sup> *Ibid.*, pp. 65-67.

The consecration occurred on October 19, 1993, fifteen months before the visit. At the Cincinnati hearing the following exchange took place between Stephen Black, the attorney for the Bishop's sister, and Tomas Gonzalez:

Q. Would you describe your uncle's physical condition when you met with him?

A. Extremely delicate. I would say that for the years that we have known him he was always very sharp, crisp, outgoing, and [a] great man. And I just saw in him the last fading, you know, last fading lights. The last days. I knew it was close, so I was very glad to have been there, and given the chance, thank God, to spend the last few days, and him [sic] before his demise -- untimely demise.<sup>3</sup>

His grandnephew visited Bishop Mendez three weeks before his death. He did not visit him at the time of the consecration which took place fifteen months earlier. When the grandnephew arrived at the residence of Bishop Mendez, the bishop was in bed and was quite ill. No one knew it at the time, but the source of his illness was a pancreatic tumor that was choking his liver. He got up, however, for the visit and appeared, according to his grandnephew, to be somewhat disoriented. That he may in fact have been somewhat disoriented would be understandable under the circumstances. He had pancreatic cancer. He was especially sick that day; and he had just gotten up out of bed. But that was fifteen months after the consecration. How could Fr. Sanborn say in good conscience that the "mental capacity" of Bishop Mendez was called into question "at the time of the alleged consecration . . . by his own family"?

Finally, one must keep in mind the context of this whole thing. The family of Bishop Mendez was very distraught and upset. They had been told that we were not Catholic. The Holy Cross Fathers, the Archdiocese of Cincinnati and the Diocese of Arecibo, Puerto Rico, supported this allegation. There is no question that at

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<sup>3</sup> *Ibid.*, p. 36.

this very difficult time the family was acting under pressure to prevent the body of Bishop Mendez from falling into the hands of people they were told were not even Catholic.

The point that we would make is that Fr. Sanborn's allegation that the "mental capacity" of Bishop Mendez was called into question by the family "at the time of the alleged consecration" is simply not true. The visit of the grandnephew was clearly not "at the time of the alleged consecration." It was a year and three months later. In fact, he had seen Bishop Mendez in Puerto Rico in April of 1993 just six months before the consecration. So the fact is that the testimony of Tomas Gonzalez makes it clear that before his January 5, 1995, visit, Bishop Mendez was mentally "very sharp." In other words, before the visit of January 5, 1995, Mr. Gonzalez knew Bishop Mendez to be of sound mind. He said: "I would say that for the years that we have known him he was always very sharp, crisp, outgoing, and [a] great man." That Bishop Mendez may have seemed confused on January 5, 1995, does not impugn the consecration that took place fifteen months earlier on October 19, 1993.

Furthermore, Bishop Mendez visited the office of Dr. Bengs, his personal physician, on December 6, 1994, a month before the grandnephew's visit. Dr. Bengs knew Bishop Mendez very well. On the occasion of that December 6th visit, it was clear to Dr. Bengs that Bishop Mendez was mentally competent. In his statement given under penalty of perjury, Dr. Bengs swore that Bishop Mendez "was oriented and while weak physically was certainly competent mentally and with a good sense of humor when last seen on 12/6/94."<sup>4</sup>

Dr. Timothy Licher saw Bishop Mendez on January 20, 1995, two weeks after the visit of Tomas Gonzalez and eight days before the Bishop's death. In his letter of February 23, 1995, Dr. Licher said: "At the time when I saw him on 1/20/95, the patient was coherent, alert, oriented, and had good long-term and short-

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<sup>4</sup> Testimony of Dr. Carl M. Bengs, M.D., Superior Court of California, County of San Diego, 325 South Melrose Drive, Vista, CA 92083, North County Branch, Estate of Alfred F. Mendez aka Alfred Francis Mendez, Case Number PN 020393.

term memory. It was my professional opinion at that time that the patient was able to make any and all decisions concerning his financial and physical well-being. There was no evidence of any difficulty with judgment or insight."<sup>5</sup>

*"... Is called into doubt by his own . . . religious order."*

In the spring of 1994, Fr. Carl Ebey, the Provincial of the Holy Cross Fathers, visited Bishop Mendez. The visit took place after Bishop Mendez had been involved in a fatal automobile accident. The car in which he was a passenger backed up and ran over a man whom Bishop Mendez knew quite well and whom he had just visited. That accident occurred in March of 1994. That was five months *after* the consecration. Fr. Ebey testified at the Cincinnati hearing that any confusion he said he saw in Bishop Mendez was observed only after the accident. In other words, the testimony of Fr. Ebey actually confirms that at the time of the consecration Bishop Mendez was of sound mind.

Furthermore, what Fr. Ebey said about Bishop Mendez' mental state after the accident of March 1994 must be taken with a grain of salt because he was a hostile witness. He wanted to undermine the consecration and prevent the Bishop's burial at Round Top, New York. He was a very angry man when he spoke to Fr. Jenkins by phone after hearing about the death of Bishop Mendez. He attended the funeral Mass at St. Gertrude Academy chapel, which certainly did not please him. Nor should we forget that what Bishop Mendez had done, with regard to the ordinations and consecration, constituted a repudiation of the policies of the liberal Holy Cross Fathers. It was and remains a source of great embarrassment for them. This is the context of the testimony of Fr. Ebey. I might add that I also spoke to Bishop Mendez after the accident and when I did, he was not in the least bit confused. He was profoundly saddened; but his mind was clear. Dr. Bengs also testified that Bishop Mendez visited his office on April 13, 1994 (after the accident) and June 21, 1994 (after the visit of Fr. Ebey)

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<sup>5</sup> Timothy J. Lichter, M.D., to Father William Jenkins, February 23, 1995,  
Personal Files of Bishop Clarence Kelly, Round Top, NY.

and that "he was oriented and while weak physically was certainly competent mentally."<sup>6</sup>

It is true that the Cincinnati court ruled that the body of Bishop Mendez was to be turned over to the family for burial in Puerto Rico. The court, however, discounted all testimony given at the hearing with regard to mental competence. It did this because it was not given by medical experts. Had we known the significance of such testimony, at the time, we would certainly have asked Dr. Bengs to testify. The decision of the Judge was not based on any testimony about the mental competence of Bishop Mendez on January 26, 1995, the day he signed the request to be buried at Round Top, New York. It was based on his interpretation of the law. Thus the Judge said:

There had been different opinions testified to by the various witnesses, as to the Bishop's mental condition. I refused to the [sic] allow them to get into any medical or psychiatric or psychological testimony, because they are not qualified to do so.<sup>7</sup>

However, in the California courts Bishop Mendez' mental capacity was established as a legal fact, as we conclusively demonstrated in Chapter 10, and his Will and Trust were upheld.

In summary, then, we may say that the consecration done by Bishop Mendez does not labor under the "very problems" that Fr. Sanborn admits the Thuc consecrations labor under; namely, that they are "difficult to prove," "the consecrator was neither traditional nor of high reputation" and there are positive and objective doubts about his "mental capacity" "at the time of the alleged consecration[s]." It is true, as Fr. Sanborn admits, that the Thuc consecrations labor under these problems. It is not true of the consecration performed by Bishop Mendez.

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<sup>6</sup> Bengs, Superior Court of California, County of San Diego, Case Number PN 020393.

<sup>7</sup> Complete Transcript Of Proceedings, Court Of Common Pleas, Hamilton County, Ohio, Case No. A9500507, p. 4.

## PARAGRAPH 6

**“Ordinarily the episcopal consecration of any traditional priest should be the cause of joy to all of us who are fighting the same battle against modernism. Unfortunately this one has been the cause of apprehension, owing both to the problems surrounding it and to the fact that it will likely be used as a pedestal for further attacks on other priests.”**

*“Ordinarily the episcopal consecration of any traditional priest should be the cause of joy to all of us who are fighting the same battle against modernism.”*

The consecration done by Bishop Mendez is a cause of joy. It is a cause of joy for people in this country and it is a cause of joy for people in other countries. It is a cause of joy for these people just as the ordinations of Fr. Baumberger and Fr. Greenwell were a cause of joy for Fr. Sanborn. I remember the happy look on his face when we discussed these ordinations. I remember his happy words. He was joyful and lighthearted. He did his best to celebrate the ordinations and to share the happiness of the occasion with the people. He wrote a beautiful note of thanks to Bishop Mendez in which he praised him for his courage. “Thank you for ordaining to the holy priesthood Frs. Baumberger and Greenwell. Their ordination,” he wrote, “not only will alleviate some of the burden upon us priests, but even more importantly, will give courage and enthusiasm to the lay people who are so lost in this crisis of the Church.” Fr. Sanborn was very encouraged by the ordinations that were done by Bishop Mendez. They were a cause of joy to him.

Why, then, is the consecration done by Bishop Mendez such a source of apprehension for him? Why is it not a cause of joy for

him? The Bishop Mendez who did the ordinations is the same Bishop Mendez who also did the consecration. The priests involved are the same priests of the Society of St. Pius V. Their position on the Thuc consecrations was the same when Bishop Mendez did the consecration in 1993 as when he did the ordinations in 1990. My position has not changed. What has changed? The answer, I am afraid, is that Fr. Sanborn has changed. He has changed because he has made a definitive decision to get involved with the Thuc bishops in general and with "Bishop" Dolan in particular. Having made that decision, he now seeks to justify the Thuc bishops and his association with "Bishop" Dolan at the expense of Bishop Mendez' reputation.

*"Unfortunately this one has been the cause of apprehension, owing both to the problems surrounding it and to the fact that it will likely be used as a pedestal for further attacks on other priests."*

Fr. Sanborn is not being logical. He says that the consecration done by Bishop Mendez "labors under" the same problems that the Thuc consecrations labor under. But the fact that the Thuc consecrations labor under these problems is not a "cause of apprehension" for him. Why should another consecration which allegedly labors under the same problems be a cause of apprehension? It would be like saying: Do not go to "Movie A" because it contains all the filth that is found in "Movie B"; but it is okay to go to "Movie B." He is saying that the consecration done by Bishop Mendez is just like the Thuc consecrations; therefore, you can have nothing to do with it. But it is perfectly acceptable and highly recommended that you have something to do with the Thuc consecrations.

In point of fact, of course, the consecration done by Bishop Mendez does not labor under the very problems under which the Thuc consecrations labor. For the consecration done by Bishop Mendez there is conclusive documentary proof and testimonial evidence; and, there is, as well, conclusive proof that Bishop Mendez was mentally competent. For the Thuc consecrations there is insufficient and defective documentary proof and testimonial

evidence; and, there are *positive* and *objective* doubts, and hence *prudent* doubts, about the mental competence of Archbishop Thuc.

When Fr. Sanborn went to Germany in February of 1988, he was sympathetic to the cause of the Thuc consecrations. After the interviews with Dr. Hiller and Dr. Heller, he was a convinced and determined opponent of the consecrations. The facts he learned from Hiller and Heller were sufficient to bring about a dramatic change in his attitude. When the people are faced with those same facts, they react the same way. It is the presentation of the facts that Fr. Sanborn and Fr. Cekada fear. But when the dust of their attack against Bishop Mendez settles and the facts become clear, the people will see the truth of the situation.

Faithful Catholics have not rejected the dubious Sacraments of the new church so that they could embrace the dubious Sacraments of the Thuc bishops. It is only common sense. When your mother is dying, you do not want her to be anointed by someone who *might* be a priest. You do not even want her to be anointed by a real priest who uses holy oils that *might* be valid matter for the Sacrament of Extreme Unction. You want a certainly valid priest using certainly valid matter for the Sacrament. When the priest brings Holy Communion to your dying mother or father as Holy Viaticum, you do not want to have to wonder if it really is the Body, Blood, Soul and Divinity of Christ or if it is just a wafer of bread. You want to be certain that it is Our Lord Himself in the Blessed Sacrament. Furthermore, what young man, with a true vocation to the priesthood, would want to end up a Thuc priest, never knowing for sure if his Masses are valid or if the absolutions he pronounces in the confessional actually effect the remission of sins? To point these things out – as we have consistently done over the years – is not to mount a pedestal to attack priests who are acting correctly. It is simply to tell the truth about dubious bishops, priests and Sacraments for the sake of the faithful.

## PARAGRAPH 7

**"Enclosed is a list of facts about Bishop Mendez, entitled *Notes on Bishop Mendez & An Episcopal Consecration*. These are facts, and not mere hearsay. There is not a single fact on these pages that is not verified by eyewitnesses or by document."**

***"Enclosed is a list of facts about Bishop Mendez, entitled *Notes on Bishop Mendez & An Episcopal Consecration*.*"**

The "list of facts" referred to by Fr. Sanborn is not a list of facts at all. It is little more than a collection of false statements, rash judgments, anonymous accusations and calumnies based on hearsay.

***"These are facts, and not mere hearsay."***

The definition of hearsay is: "Something heard from another; report; rumor; common talk."<sup>1</sup> The "list of facts" sent by Fr. Sanborn all over the country in order to destroy the reputation of Bishop Mendez contains no documentation. There are no footnotes. No one is cited by name. The author of the "list of facts" was not an eyewitness to the things he presents as facts. Hence, the "list of facts" is in reality little more than "mere hearsay." But it is not just hearsay. It is hearsay at its worst. It is hearsay in the service of character assassination. It is the "stuff" of gossip columns and scandal sheets. It is the fodder of gossip mongers. It is certainly not what you would expect from the pen of a Catholic priest.

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<sup>1</sup> Webster's New Collegiate Dictionary (Springfield, MA: G. & C. Merriam Co., 1958), p. 380.

*"There is not a single fact on these pages that is not verified by eyewitnesses or by document."*

There is not a single fact on the list of any significance that is verified by eyewitnesses or documents. There is not a single footnote. There is no verification given either "by eyewitnesses or by document." The so-called "eyewitnesses" remain anonymous. What is the value of anonymous accusations? If I might quote Fr. Sanborn:

Anonymous accusations are worthless. An accuser's identity is usually kept hidden precisely because he lacks credibility.<sup>2</sup>

Furthermore, the "list of facts" is filled with false statements, errors of fact, rash judgments and calumnies. There is not sufficient time or space, at this moment, to deal with all the falsehoods, errors and misleading statements on the "list of facts." But I will cite a few by way of example.

**Example (1)** "As a priest in 1950s, Mendez promoted pre-Vatican II nuns' lib movement – sending sisters to study at Notre Dame where liberals would corrupt their faith."<sup>3</sup>

The statement is not only false, it is an absurdity. In the 1950's the Catholic Faith was taught at Notre Dame and the true Mass was said. The then Fr. Alfred Mendez acted as the coordinator of the First National Congress of Religious of the United States. In 1953 he was also on the Executive Committee of the Institute of Spirituality for Superiors and Novice Mistresses which dealt with Ascetical and Mystical Theology and the importance of striving for perfection, with prayer according to the teaching of St. Thomas Aquinas, and with other related subjects. All the religious were in full habit.

<sup>2</sup> Rev. Donald Sanborn, *The Thuc Consecrations: A Postscript* (Madison Heights, MI: Catholic Restoration, [1993]), p. 5.

<sup>3</sup> Rev. Anthony Cekada, *Notes On Bishop Mendez & an Episcopal Consecration* (Madison Heights, MI: Catholic Restoration, [1995]), p. 1.

What has happened to Fr. Sanborn's and Fr. Cekada's sense of reality? It reminds me of Fr. Cekada's article "Russia and the Leonine Prayers" which was published by Fr. Sanborn. In it Fr. Cekada maintained the equally absurd idea that we traditional priests were responsible for attaching the intention "for the conversion of Russia" to the prayers after Mass. Then, on the basis of this fiction, he concluded that we were no longer obliged to say them. And even though this error was subsequently pointed out, no mistake was acknowledged. Fr. Cekada even continues to circulate the article.<sup>4</sup>

**Example (2)** Speaking of the ordinations of Frs. Baumberger and Greenwell, the "list of facts" says: "When he [i.e., Bishop Mendez] arrived at [the] Preface of Ordination, which contains the essential sacramental form, [he] suddenly began racing through it so quickly that it was incomprehensible."<sup>5</sup>

Not only is this not true, but it is the exact opposite of what actually happened. When Bishop Mendez arrived at the part of the Preface of the ordination ceremony "which contains the essential sacramental form," he did not suddenly begin "racing through it so quickly that it was incomprehensible." He paused. He put his right index finger on the *Roman Pontifical* at the place where the "essential sacramental form" began. He then said every word of the "essential sacramental form" slowly, carefully and distinctly. As he did this, he moved his finger along the page from word to word. This he was able to do because at the ordination of a priest the imposition of hands takes place first in silence, and the Preface, which contains the form of the Sacrament, is said after. He took extraordinary care at that extremely important moment of the ordination. He took the same kind of care that a conscientious priest takes at Mass when he pronounces the words of consecration. This is verified by Fr. Jenkins and Fr. Mroczka who were the Assistant

<sup>4</sup> See advertisement in *St. Gertrude the Great Newsletter*, Paschaltide 1996 No. 26.

<sup>5</sup> Cekada, *Notes on Bishop Mendez*, p. 1.

Priests who stood by the side of Bishop Mendez and followed along in the *Roman Pontifical* as Bishop Mendez said the form for the ordination of a priest. Fr. Sanborn and Fr. Cekada, by the way, were not present at the ordination ceremony.

**Example (3)** “Mendez used a false name to disassociate himself from [the] ordination: ‘Bishop Francis Gonzalez.’”<sup>6</sup>

Bishop Mendez did not use a “false name.” If anyone used a false name, it was Fr. Thomas Zapp. He was the one who told the people in California that the ordinations were done by “Bishop Francis Gonzalez.” Of course, Fr. Zapp did not believe he was lying to the people. He did not believe that he was using a false name because the full name of the ordaining bishop was Bishop Alfred Francis Mendez Gonzalez. Fr. Zapp told the people that the ordinations were done by a retired missionary bishop; and when he did, he emphasized the fact that he was not tainted as were the Thuc bishops. Speaking of Bishop Mendez, he said he was a bishop who “didn’t come out of the woodwork like the Thuc bishops.”<sup>7</sup>

**Example (4)** Bishop Mendez “Lied and denied in writing that he performed [the] ordination, calling it ‘an ugly rumor.’ (Letter to Fr. Scott, 17 October 1990).”<sup>8</sup>

I have in my possession a copy of the letter that is referred to here. There is no statement in it whereby Bishop Mendez denies doing the ordinations. He does not even use a mental reservation the way Fr. Zapp did. Bishop Mendez had received a very disrespectful letter from the District Superior of the Society of St. Pius X. In it the District Superior insultingly referred to the ordinations done by Bishop Mendez as a “vicious rumor” and an “ugly rumor.” Bishop Mendez scolded the disrespectful young priest. He told him: “It was

<sup>6</sup> *Ibid.*, p. 2.

<sup>7</sup> Mr. Patrick J. Mullen, sworn affidavit, August 13, 1996, Personal Files of Bishop Clarence Kelly, Round Top, NY. (See Appendix A: Documents 15-16.)

<sup>8</sup> Cekada, *Notes on Bishop Mendez*, p. 2.

quite offensive to me to receive your demanding letter of October 12th." He said: "While my friendship and admiration for Archbishop Lefebvre dates back to 1961 when 28 of his Holy Ghost Priests were in my Arecibo Diocese, I have never been affiliated with the Pius X Society nor subject to the jurisdiction of its officers." He then referred with quotation marks to the so-called "rumor" and in effect told the priest to mind his own business. He exposed the young priest's insincerity and suggested that he should rejoice at the fact that the Society of St. Pius V was growing. Bishop Mendez said: "We should rejoice if Pius V is growing just as all of us rejoice profoundly at the vast growth of Pius X. Twenty years from now is what matters." To characterize this response by saying that Bishop Mendez "lied and denied in writing that he performed [the] ordination" is a distortion of the facts.

**Example (5)** "First, SSPV [Society of St. Pius V] informed [the] laity that Mendez issued a certificate – but that he signed it 'Gonzalez.'"<sup>9</sup>

The Society of St. Pius V never informed anyone that Bishop Mendez signed the ordination certificates with the name "Gonzalez." Nor did Bishop Mendez ever do such a thing. The statement is a pure fabrication. His name clearly appears on the ordination certificates as it does on the documents related to the consecration.<sup>10</sup>

**Example (6)** "No motive for [the] family or Fr. Ebey to lie about Mendez's mental state. They all testified before [emphasis in original] Fr. Kelly's consecration [was] revealed."<sup>11</sup>

Fr. Cekada says, "They all testified before" the "consecration [was] revealed." Here again we have an example of the truth being exactly the opposite of what Fr. Cekada says. The

<sup>9</sup> Cekada, *Notes on Bishop Mendez*, p. 3.

<sup>10</sup> See Appendix A: Documents 7 and 8.

<sup>11</sup> Cekada, *Notes on Bishop Mendez*, p. 3.

truth is that Fr. Ebey and the family of Bishop Mendez knew about the consecration before the lawsuit was filed and their testimony was taken. Indeed it was their knowledge that Bishop Mendez had actually performed the consecration that provoked them to file a lawsuit to prevent his burial at Round Top, New York. Before it became public that the consecration had been done the family had already made plans to attend the burial at Round Top. They had no objection to his being buried there. But when the Bishop of Arecibo and the Holy Cross Fathers found out about the consecration everything changed. Pressure was put on the family and the lawsuit was filed to prevent the burial. And it was in the course of that lawsuit that the testimony referred to by Fr. Cekada was taken. Hence Fr. Ebey and the family of Bishop Mendez did not testify "**before**" the consecration was revealed. They knew about the consecration "**before**" they testified. In fact, the consecration was the very reason the lawsuit was filed to prevent the burial of Bishop Mendez at Round Top, New York. The truth is the exact opposite of what Fr. Cekada says in his so-called "list of facts." (See also Paragraph 5.)

There are scores of other false statements, misrepresentations, rash judgments and calumnies on the so-called "list of facts." The above examples are given simply to illustrate the reckless disregard for the truth that is exhibited by the author of the *Notes on Bishop Mendez & an Episcopal Consecration* and by Fr. Sanborn. It is something to be taken into account in the future in assessing the value of what they say and write on the subject of the Thuc consecrations or about those who oppose them. What they say has to be checked out for truth and accuracy. We simply cannot take at face value what they say. They cannot be relied upon to present the facts as they are.

## PARAGRAPH 8

**"I am sending you this information for a twofold purpose: (1) to set the record straight concerning Bishop Mendez and Fr. Kelly's alleged consecration, in the case that anyone should want to get involved in it; (2) to point out the lack of credibility of those who so vehemently attacked the consecrations done by Archbishop Thuc. For those who do the very things they condemn others for doing are not worthy of credibility."**

***"I am sending you this information for a twofold purpose:***

***(1) to set the record straight concerning Bishop Mendez  
and Fr. Kelly's alleged consecration, in the case that  
anyone should want to get involved in it;"***

Fr. Sanborn says he has a "twofold purpose." He says he wants to set the record straight and to expose the lack of credibility of those who oppose the Thuc consecrations.<sup>1</sup> As for setting the record straight, he does not do it. He distorts it with false statements, misrepresentations, rash judgments and calumnies. One has only to compare his October 1990 letter to Bishop Mendez with his April 1995 letter *about* him. In the first he thanks and praises Bishop Mendez. In the second he says he is a scoundrel and a coward. The sad thing is that this is not the first time that Fr.

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<sup>1</sup> In his May 22, 1995, letter to Fr. Jenkins he said he had only one purpose. "My sole purpose," he wrote, "in pointing out Bp. Mendez' shortcomings was to demonstrate the inconsistency of Fr. Kelly in approaching him for orders, while at the same time he was criticizing others for approaching an unworthy prelate for orders." (Rev. Donald Sanborn to Fr. William Jenkins, May 22, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.)

Sanborn has tried to damage someone's reputation in the service of the Thuc consecrations. He did it before in attacking Archbishop Lefebvre and Bishop de Castro-Mayer, as we have pointed out, when he was trying to justify his contemplated association with "Bishop" Munari. At that time he said that the "need is so great that *any circumstantial evil may be and must be tolerated* [emphasis added] in order to achieve this end."<sup>2</sup> And what was the end he had in mind? It was the imposition of a dubious Thuc bishop on the faithful. Perhaps he sees the destruction of Bishop Mendez' reputation as a "circumstantial evil [that] may be and must be tolerated in order to achieve this [same] end." In the past it was the imposition of "Bishop" Franco Munari. In the present it is "Bishop" Daniel Dolan. Who might it be in the future?

My recommendation to those who want the truth is to put the two letters of Fr. Sanborn side by side. Place his October 1990 letter to Bishop Mendez on the left and his April 1995 letter about him on the right. Read them and ask yourself: Could the same person have honestly written both? Fr. Sanborn's April 1995 letter brings to mind the words of the prophet:

Woe to you that call evil good, and good evil: that put darkness for light, and light for darkness: that put bitter for sweet, and sweet for bitter. (*Isaias 5:20*)

Furthermore, Fr. Sanborn, by his own admission, was not even in a position "to set the record straight." I do not want to get ahead of myself here; but, in the last paragraph of his April 1995 letter, which we will deal with below, Fr. Sanborn admits that he does not have "all of the evidence" and must "reserve judgment." He writes:

For the moment I reserve judgment about this consecration. I want to see all of the evidence before making a definitive judgment for my own conscience.

<sup>2</sup> Rev. Donald Sanborn to a prospective seminarian, n.d., Personal Files of Bishop Clarence Kelly, Round Top, NY.

But if Fr. Sanborn needed to “reserve judgment,” because he did not have “all of the evidence,” how could he set the record straight? He obviously could not and did not set it straight. Instead, Fr. Sanborn sullied the reputation of a Catholic bishop who died a holy death – the very bishop he previously had praised for his courage and had sought out to move him to consecrate a bishop. But now Fr. Sanborn not only seeks to destroy the reputation of Bishop Mendez, he also seeks to call into question the validity of the consecration he performed, in spite of his own words:

To accuse a priest or bishop of being doubtfully or invalidly ordained or consecrated, *without sufficient reason*, is objectively a mortal sin of injustice.<sup>3</sup>

*“(2) to point out the lack of credibility of those who so vehemently attacked the consecrations done by Archbishop Thuc. For those who do the very things they condemn others for doing are not worthy of credibility.”*

Fr. Sanborn says that his second purpose was “to point out the lack of credibility of those who . . . attacked the consecrations done by Archbishop Thuc.” But if that were his purpose, why did he wait until April of 1995? Why did he not “point out the lack of credibility of those who so vehemently attacked the consecrations done by Archbishop Thuc” back in September of 1990 after the ordinations of Fr. Baumberger and Fr. Greenwell? Why did he not point it out in his October 1990 letter to Bishop Mendez? My position then on the Thuc bishops was identical to my position now. Where, then, is the credibility problem? The word “credible” means “worthy of belief.” A credible person is one who is worthy of belief and therefore “entitled to confidence.”<sup>4</sup> If the credibility of anyone is in question, it is the credibility of Fr. Sanborn and Fr. Cekada.

<sup>3</sup> Rev. Donald Sanborn, “Preface,” *Sacerdotium III* (Pars Verna MCMXCII), p. 3.

<sup>4</sup> *Webster’s New Collegiate Dictionary* (Springfield, MA: G. & C. Merriam Co., 1958), p. 195.

Read what Fr. Sanborn and Fr. Cekada wrote in the past. Compare it with what they write in the present. Read again Fr. Sanborn's letter to Bishop Mendez. Read Fr. Cekada's article, "Two Bishops In Every Garage." It is printed in full at the back of this book. You will not only discover their inconsistencies and contradictions, you will also see by reading their recent articles in defense of the Thuc consecrations that they have never made a serious attempt to reconcile the contradictions. As Fr. Jenkins said so well:

If a priest has told you in the past with complete certainty that something is absolutely wrong, and now the same priest tells you with the same complete certitude that the same thing is absolutely right -- then, beware. Ask yourself: If he was so self-assured in his earlier opinion, which he now rejects, what assurance can I have that he is right now? If priests have told you with certainty that the Thuc line was not Catholic, how can you believe those same priests now when they assure you with equal certainty that -- not only are the Thuc bishops acceptable -- but you [as Fr. Sanborn said] 'may only look to these bishops for valid sacraments'?

If, on the other hand, other priests have assured you from the beginning that the Thuc line is unacceptable and they continue to hold the same position and for the same reasons, their very consistency should inspire confidence.<sup>5</sup>

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<sup>5</sup> Rev. William W. Jenkins, *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn* (Oyster Bay, N.Y.: The Society of St. Pius V [1993]), pp. viii.

## PARAGRAPH 9

**“As I said above, an impression is being given that Bishop Mendez was a saintly traditional bishop with a sterling theological, liturgical, and moral reputation. This allegation has been much touted, in order to present Fr. Kelly as someone who does not labor under the problems of those whose orders proceed from Archbishop Thuc. It is as if he is the ‘pure bishop,’ whereas others are ‘tainted bishops.’”**

*“As I said above, an impression is being given that Bishop Mendez was a saintly traditional bishop with a sterling theological, liturgical, and moral reputation.”*

What was said about Bishop Mendez in our presentations after his death was said because it was true. The impression that is being given about him by the Society of St. Pius V is no more or less than the impression one receives from reading Fr. Sanborn’s October 2, 1990, letter to Bishop Mendez. It is the impression of a Catholic bishop who came to our aid and helped to “alleviate some of the burden upon us priests.” It is the impression of a bishop who even “more importantly” gave “courage and enthusiasm to the lay people who are so lost in this crisis of the Church.” It is one of a bishop to whom Fr. Sanborn would gladly send young men for ordination. “I only wish,” wrote Fr. Sanborn to Bishop Mendez, “there were more young men who could be ordained at this time.” And finally it is the impression of a bishop who took a “most courageous step for the preservation of our holy Catholic Faith in this age of modernism.”

***"This allegation has been much touted, in order to present Fr. Kelly as someone who does not labor under the problems of those whose orders proceed from Archbishop Thuc."***

The impression we gave about Bishop Mendez, which Fr. Sanborn refers to as an allegation that "has been much touted," is true. It was basically what Fr. Sanborn had written in his October 1990 letter to Bishop Mendez. On the other hand, what was said about Bishop Mendez by Fr. Sanborn in his April 1995 letter and by Fr. Cekada in his *Notes* was said not because it was true. Rather, it was said in order to distract the attention of the people and potential seminarians away from the real problems under which the Thuc consecrations labor.

In his attempt to distract the attention of the people away from the problems that surround the Thuc consecrations, Fr. Sanborn has actually admitted in writing that these problems do exist with regard to the Thuc consecrations. He admits this by saying that the impression given about Bishop Mendez by us was given to show that the consecration he performed "does not labor under the problems of those whose orders proceed from Archbishop Thuc." In other words, Fr. Sanborn is stating that "those whose orders proceed from Archbishop Thuc" "labor under . . . problems."

And what are the problems of "those whose orders proceed from Archbishop Thuc"? They are: (1) their orders are hard if not impossible to prove and (2) there are serious and prudent doubts about the mental competence of Archbishop Thuc. About this Fr. Sanborn is right. He is wrong, however, to suggest that the consecration done by Bishop Mendez labors under the same problems. I trust that the followers of Fr. Sanborn and Fr. Cekada will take note of this honest but fatal admission about "those whose orders proceed from Archbishop Thuc."

***"It is as if he is the 'pure bishop,' whereas others are 'tainted bishops.'"***

Bishop Mendez was a validly consecrated Catholic bishop. He loved the Faith. He loved the Church and he loved souls. In the twilight of his life he rose to the occasion and took a "most

courageous step for the preservation of our holy Catholic Faith in this age of modernism," as Fr. Sanborn so beautifully expressed it. He ordained priests and he consecrated a bishop for the faithful. As Bishop Mendez himself put it in his "SI DILIGIS ME . . ." statement of November 26, 1993, which is legally and canonically an authentic document because it was signed before a notary:

And although I retired from Arecibo in 1974, I remain a Bishop, still responsible in my lifetime to do all in my power to feed the lambs and sheep, which means to secure for them the Sacraments of the Church. And in these days when the Holy Sacrifice of the Mass is being abandoned all over the world - Tolle Missam, Tolle Ecclesiam - I have secured, as far as possible, the Sacraments for the Faithful by the ordinations of two Society of St. Pius V priests for them on September 3, 1990, and, to continue the priesthood, the consecration of a Bishop for them on October 19, 1993.<sup>1</sup>

Thus, the orders that proceed from Bishop Mendez are "pure" in the sense that they proceed from Pope St. Pius X through two Popes and a Cardinal to Bishop Mendez. They are "pure" in the sense that they are not tainted by doubt and scandal as are the orders that proceed from Archbishop Thuc.

Let us not forget that Archbishop Thuc fell so far as to consecrate a known homosexual, according to Fr. Barbara, who was the head of his own non-Catholic sect. This man had been previously consecrated by an Old Catholic bishop who "officiated at a satanist center" before Archbishop Thuc consecrated him, as we have noted above. Let us not forget that after 1975 Archbishop Thuc consecrated two non-Catholics for every Catholic he consecrated; to say nothing of the Palmar de Troya fiasco. The very

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<sup>1</sup> Bishop Alfred F. Mendez, "SI DILIGIS ME . . .," *The Roman Catholic* (Special Edition 1995), p. 3.

last episcopal consecration that Archbishop Thuc performed before his death was that of an Old Catholic bishop who had been previously consecrated by a man who was himself consecrated by the same Old Catholic bishop referred to above who "officiated at a satanist center in Lyons."<sup>2</sup> It is no wonder that Fr. Sanborn referred to the Thuc bishops and consecrations as "sordid," that is to say as vile, base, gross and despicable.

If Archbishop Thuc was responsible for his actions, he was a true Judas and a true Caiphas. For the sake of his immortal soul we may hope and pray that what the preponderance of the evidence indicates is true, namely, that he did not have the full use of reason and was not responsible for what he did.

To compare Bishop Mendez to Archbishop Thuc is like comparing Nicodemus to Caiphas and Joseph of Arimathea to Judas. In truth, there is a world of difference between Bishop Mendez and Archbishop Thuc. Indeed, we may thank God, that as Nicodemus and Joseph of Arimathea provided for the wounded, bleeding, and dead physical Body of Christ, Bishop Mendez provided for the wounded, bleeding and seemingly dead Mystical Body of Christ. We say "seemingly" because whereas Our Lord's physical Body was actually in a state of death as It lay in the tomb, the Mystical Body of Christ cannot actually die.

Archbishop Lefebvre, Bishop de Castro-Mayer and Bishop Mendez will be remembered in history as Catholic bishops who did something for the Church in her darkest hour. Archbishop Thuc will be remembered as a man who profaned the Catholic priesthood because he was either profoundly evil or mentally deranged.

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<sup>2</sup> Rev. Noel Barbara, *Warning, Concerning A Sect Which Is "Made In France"* (Tours, France: Fortes In Fide [ca. 1992]), p. 1.

## PARAGRAPH 10

**“Here I will let the facts in the *Notes* speak for themselves. I believe that the reader will garner a somewhat different picture. What emerges from the page is a Novus Ordo bishop, not very edifying in his conduct, bizarre in many ways, but somewhat inclined toward traditional trappings owing to personal friendships with traditionalists. What emerges is a very worldly prelate who lives in fear of losing face with the Novus Ordo, and who even goes so far as to use a phony name, a phony identity by wearing lay clothes, ultra-secrecy and finally denial in order to remain on their good terms. Bishop Mendez’ plan was successful: the Novus Ordo welcomed him as one of their own in the Arecibo cathedral.”**

*“Here I will let the facts in the notes speak for themselves. I believe that the reader will garner a somewhat different picture.”*

There is no question that one gets a “different picture” of Bishop Mendez from Fr. Sanborn’s April 1995 letter *about* him (as is also true of the *Notes*) than one gets from his October 1990 letter *to* him. In the letter *about* him, the picture that emerges is that of a scoundrel. In the letter *to* him, the picture that emerges is that of a Catholic bishop who sought to alleviate the burdens of the priests; who gave “courage and enthusiasm to the lay people who are so lost in this crisis of the Church”; and, who took a “most courageous step for the preservation of our holy Catholic Faith in this age of modernism.”

The question for those who are following Fr. Sanborn is this: In which case is he telling the truth about Bishop Mendez? The

answer, I believe, for the objective observer, is evident. It is in the first case, in the case of his letter *to* Bishop Mendez in which he thanked him and praised him. He was not trying to destroy Bishop Mendez' reputation to justify an association with a dubious Thuc bishop. In fact, he hoped that Bishop Mendez would consecrate a bishop. His joyful response to the news that Bishop Mendez had ordained two priests was spontaneous and honest. He was grateful and hopeful for the future. It was only when his hope that Bishop Mendez would consecrate a bishop faded and his association with the priests of the Society of St. Pius V deteriorated that Fr. Sanborn's attitude changed.

This contributed, no doubt, to his decision to get involved with the Thuc bishops in general and with "Bishop" Dolan in particular. Then came the news of the consecration by Bishop Mendez. Fr. Sanborn, it seems, had already made his decision to get involved with "Bishop" Dolan. He had crossed the bridge and set fire to it. But the consecration done by Bishop Mendez posed a double threat to the success of his plan to impose a Thuc bishop on the people he serves and on future seminarians. This was so because of the longstanding position of the priests of the Society of St. Pius V on the question of the Thuc bishops and because the consecration done by Bishop Mendez is a viable Catholic alternative for the faithful and for future seminarians. Hence, Fr. Sanborn and Fr. Cekada set out to discredit the opposition to the Thuc consecrations and to undermine the consecration that had been done by Bishop Mendez.

*"What emerges from the page is a Novus Ordo bishop, not very edifying in his conduct, bizarre in many ways, but somewhat inclined toward traditional trappings owing to personal friendships with traditionalists."*

The picture that emerges from Fr. Sanborn's April 1995 letter, as mentioned above, is the picture of an ecclesiastical scoundrel. It is a completely different picture than the one that emerges from his October 1990 letter to Bishop Mendez. We will now consider the specifics.

*"A Novus Ordo bishop,"*

Bishop Mendez was a validly consecrated Catholic bishop. He was consecrated by Cardinal Spellman on October 28, 1960.<sup>1</sup> His episcopal orders are directly traced to Pope St. Pius X because Cardinal Spellman was consecrated by Pope Pius XII who was consecrated by Pope Benedict XV. And Benedict XV was consecrated by Pope St. Pius X. Bishop Mendez resigned his position as Bishop of Arecibo in 1974. He offered the traditional Mass daily in his private chapel.

As with the rest of us, Bishop Mendez did not see as clearly at the beginning of the reform as he did when the effects of the reform became manifest. Fr. Sanborn should have an understanding of this. When he went to Ecône, Switzerland, to study at the seminary of the Society of St. Pius X in the early seventies, he requested permission of Archbishop Lefebvre to finish his studies in a *Novus Ordo* seminary in America rather than at the seminary in Switzerland. The Archbishop told me that he was going to refuse Fr. Sanborn's request because he knew that if he granted it, Fr. Sanborn would attend the New Mass, which he had regularly attended before he went to Switzerland. It was only after his association with Archbishop Lefebvre that Fr. Sanborn came to realize how unacceptable the New Mass really was in the practical order.

In the case of Bishop Mendez, the more destruction he saw the more he realized the wicked nature of the reform. There is no question that Bishop Mendez loved the Church and loved souls. When the Vatican condemned Archbishop Lefebvre in the mid-seventies, Bishop Mendez had the courage and conviction to defend him to the Vatican. He continued to hold Archbishop Lefebvre in high esteem. In October of 1987, Archbishop Lefebvre wrote to Bishop Mendez to thank him for his continued support. He said: "We thank you very much for your courageous intervention to Holy See."<sup>2</sup>

<sup>1</sup> See *The Roman Catholic* (Special Edition 1995) which contains many photographs of the ceremony in which Bishop Mendez was consecrated.

<sup>2</sup> Archbishop Lefebvre to Bishop Mendez, October 26, 1987, *The Roman Catholic* (Special Edition 1995), p. 16.

In April of 1982, Bishop Mendez delivered an address at Notre Dame University. In it he declared:

Let us reverse the trends of today, all in good faith I am sure, to popularize religion, to bring the sacred down to the people. On the contrary let us raise the people to the greatness of their sacred calling as followers of Christ, a calling to the divine, a calling to sacrifice.

He went on to say:

The Mass is indeed the central act of our Catholic Faith! Remove the Mass as Sacrifice and you have left merely the appurtenances, the trappings of another Christian sect, a mere meal, a mere memorial – and Christ would have died in vain! . . . Let us reestablish the priority set by God, the love and adoration of God through the Eucharistic Sacrifice “and all else shall be added.”<sup>3</sup>

But the “trends of today” were not reversed. Bishop Mendez saw that. He observed the destructive effects of the reforms growing ever more pervasive. He saw the loss of Faith and morals and the disappearance of the true Mass. He perceived Catholic institutions in ruination. He considered that the hierarchy did little to stem the tide. He eventually came to realize that the hierarchy, which was supposed to provide a solution to the problem, was actually the cause of the problem. He wrote to the Vatican, but it did no good. He sought the support of other bishops, but he did not get it. He became thoroughly disillusioned with the modern hierarchy; and, more and more, he felt compelled to do something.

Bishop Mendez became an enthusiastic viewer of our hard-hitting program, *What Catholics Believe*, on which Fr. Sanborn regularly appeared. He was a devoted supporter of the Society of St. Pius V. He backed our work and supported it with contributions and

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<sup>3</sup>Quoted in Bishop Clarence Kelly, “The Final Request And Legacy Of Bishop Mendez,” *The Roman Catholic* (Special Edition 1995), p. 38.

with his encouraging words. He wanted to see it grow and prosper. He wanted to see it preserved. Being a realist, he knew that this required priests – priests for the present and priests for the future. These two things – his view of the situation in the Church and his support of the work of the Society of St. Pius V – moved him first to ordain priests in 1990 and then to consecrate a bishop in 1993.

*"Not very edifying in his conduct."*

From 1990 until the time of his death, I got to know Bishop Mendez quite well. I had seen him on more than one occasion moved to tears over the devastation that has taken place in the Church. (I have never seen Fr. Sanborn or Fr. Cekada thus moved.) Bishop Mendez was also devoted to prayer. He spent many hours each day before the Blessed Sacrament in his private chapel. He said the traditional Mass daily and was faithful to his Divine Office. He was a frugal man with himself but very generous with others. He had modest and simple tastes and he was unpretentious.

I might add that the week before his death, Bishop Mendez visited the Sisters at Round Top, New York. He spoke to them of holy things and moved more than one person present to tears by his evident love for God and his resignation to God's holy will. He did the same at Oyster Bay when the Long Island Sisters visited with him there. I stood by him that same week in the chapel at Oyster Bay, New York, as he prayed to the Divine Infant for the priests of the Society of St. Pius V. "Help these priests," he prayed. "Provide for their needs," he pleaded as he sat in his wheelchair before the manger scene holding the figure of the Infant. It was hard to hold back the tears because of his sincere devotion and his concern for us in spite of his failing health. We did not know at the time that he had cancer and was actually close to death. We did not find this out until the following week. We knew he was sick; but, we did not know just how seriously ill he was.

I also have several letters from Bishop Mendez' friends who were edified by him. Mr. and Mrs. Patrick Kilcullen wrote:

May 30, 1995

Your Excellency,

It has been brought to our attention that untrue allegations have been brought against Bishop

Alfred F. Mendez. This holy man of God was a friend, confidant, and confessor to my husband and I, and our family for over thirty two years. We write on his behalf since he is not here to defend himself. He enriched our lives with his holiness, his vast store of spiritual knowledge, his exemplary life, and his wit. Which I might add he maintained to the end of his life. . . .

Sincerely yours in Christ,  
Patrick J. and Elizabeth S. Kilcullen<sup>4</sup>

Mr. and Mrs. Donald Eicholz, the friends of Bishop Mendez with whom he stayed when he went to Las Vegas, wrote the following notarized letter dated May 13, 1995:

May 13, 1995

To whom it may concern:

It is with great sorrow that we find ourselves having to defend one of God's exemplary and holy Apostles, Bishop Alfred F. Mendez. The evil calumny heaped on this saintly soul is disgraceful, and the work of Satan himself.

Our friendship with Bishop Mendez goes back to 1961 shortly after his consecration. He has been a close and intimate friend of ours ever since. He has been a guest in our home vacationing just like one of our family. The last time was Dec. 3rd thru Dec. 8th of 1994 [less than two months before his death]. . . .

. . . I have had the honor of serving at Mass for "Padre" as he was known to us. When we lived near him in Carlsbad, this was a daily occurrence. He always offered "the Mass of forever", the Tridentine Mass, never the Novus Ordo. After we moved, he offered Mass for us in our home here in Las Vegas many times.

While living in Carlsbad, I served as coordinator for a group of traditionalist Catholics.

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<sup>4</sup> Mr. and Mrs. Patrick Kilcullen to Bishop Clarence Kelly, May 30, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

One of my functions was to arrange for priests to come and offer the Tridentine Mass on our behalf. There were times that no priest was available, so Bishop Mendez would offer Mass for us if requested to do so. . . .

Sincerely in Christ,  
Donald J. Eicholz  
Louise Eicholz<sup>5</sup>

Mr. and Mrs. Palmer DeDonna each wrote a letter notarized on May 25, 1995. Mrs. Marie DeDonna said the following:

Palmer and I met Bishop Mendez when he visited our home with friends in May. He greeted us with warmth and a smile made in heaven.

We were fortunate to share many meals and conversations with him, "Padre", during the past year. His mind was alert and strong and he shared memories of his mother and his life. He knew from the time he met Mother Cabrini when he was nine years old that he would be a priest. He spoke clearly and without hesitation and his great love of children was always obvious.

Padre suffered a great deal of pain but he rarely complained. He was more concerned about the loss of faith and morals in our society and the many serious problems that have surfaced. He never despaired though, that through prayers and sacrifices God will provide.

The year 1994 will remain the highlight of our life; we actually visited until he left in January, 1995. And we are filled with hope and joy in the future of our children and grandchildren because of the influence of Bishop Mendez.

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<sup>5</sup> Mr. and Mrs. Donald Eicholz, May 13, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

Trusting in God.  
Marie DeDonna<sup>6</sup>

Mr. Palmer DeDonna wrote:

I met Bishop Mendez February 1994 when he was looking at a condo in our senior citizen communities, and when he moved here in May, in my daily walks I would stop at his home two or three times a week and ask if he would like to take a short walk. Because of his severe back pain it became increasingly difficult for him to walk.

One day the Bishop asked me to drive him to the ocean. On our return, I asked if he would like to stop at our neighborhood McDonald's. He enjoyed so meeting and talking to the people and children that we stopped at the restaurant two or three times a week after that.

He made many friends, who joined us and listened to his words of wisdom and enjoyed his warmth and sense of humor. The children ran to him when he came in and listened to every word. When he realized some children only spoke Spanish, he talked to them in their language. He consoled a woman with Alzheimer. I introduced a couple who were so impressed they asked him to bless their marriage of 61 years!

Bishop Mendez' pain seemed to vanish during this breakfast time shared with people. And he called McDonald's the most prestigious restaurant in Oceanside. I took him there until he left in January, 1995.

Palmer DeDonna<sup>7</sup>

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<sup>6</sup> Marie DeDonna to Bishop Clarence Kelly, May 25, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

<sup>7</sup> Palmer DeDonna to Bishop Clarence Kelly, May 25, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

*"Bizarre in many ways,"*

The word "bizarre" means "odd, extravagant, or eccentric in style or mode; involving sensational contrasts or striking incongruities."<sup>8</sup> An antonym for bizarre is "normal." If Bishop Mendez was anything, he was normal. He was down to earth and practical. He was capable and competent. He had a good sense of humor. He especially loved simple people, children and the poor.

*"Inclined towards traditional trappings"*

Bishop Mendez' friendship and admiration for Archbishop Lefebvre went back to the early sixties when he was the Bishop of Arecibo. His support for Archbishop Lefebvre's defense of Catholic tradition dates from the mid-1970's when Archbishop Lefebvre was condemned by the French hierarchy and Paul VI. Bishop Mendez continued this support down through the years. The support of Bishop Mendez for the priests of the Society of St. Pius V was based on his love for the Faith and for Catholic tradition. It is true that he knew Fr. Jenkins' family for many years. But his friendship with the priests of the Society of St. Pius V grew out of his support of our program, *What Catholics Believe*. Bishop Mendez gravitated to us because of our adherence to Catholic tradition. He supported our efforts first and then became our friend. It was not the other way around as Fr. Sanborn claims. It is, I am afraid, just another case of the truth being the exact opposite of what Fr. Sanborn says.

*"What emerges is a very worldly prelate who lives in fear of losing face with the Novus Ordo,"*

*"A very worldly prelate"*

Bishop Mendez was frugal, unpretentious and simple in his tastes. His friends were edified by his unassuming ways. As the letters just quoted explain, Bishop Mendez loved plain and simple people and things. That is no doubt why he called McDonald's the most prestigious restaurant in Oceanside.

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<sup>8</sup> Webster's New Collegiate Dictionary (Springfield, MA: G. & C. Merriam Co., 1958), p. 88.

*"Who lives in fear of losing face"*

If Bishop Mendez lived "in fear of losing face," he would not have done the ordinations in 1990 and the consecration in 1993. These actions are not the actions of a man living in fear. Bishop Mendez fully realized the significance of consecrating a bishop without a papal mandate. Yet, he spoke of it to members of his family and to a former colleague in Puerto Rico before the consecration. He did not, however, want to get embroiled in a great public controversy. Therefore, he did not want the fact of the consecration to be announced publicly until after his death. To suggest, however, as Fr. Sanborn does, that he did not want it announced because he was "in fear of losing face with the Novus Ordo" which would result in his not being buried "in the Arecibo cathedral" is not true and not logical. It is not logical because the logical expectation would be that once the fact of the consecration was announced after his death, the *Novus Ordo* clergy would not want to bury him in the cathedral. If Bishop Mendez wanted to be buried in the Cathedral of Arecibo, which he did not, he would have told us not to reveal the fact of the consecration until after his burial. It is only logical. The fact of the matter is that he did not want to be buried in the Cathedral. He originally wanted to be buried in Texas. He later decided on California. His last request was Round Top, New York.

What is ironic about Fr. Sanborn's accusation is that he accuses Bishop Mendez of behavior that is characteristic of himself. When Fr. Sanborn was rector of the seminary in Ridgefield, Connecticut, it was he who lived "in fear of losing face" with the superior of the Society of St. Pius X. So fearful was he that he sacrificed his convictions to remain in the good favor of his superior.

In his 1984 article *The Crux of the Matter*, Fr. Sanborn wrote about "the principle of adherence to tradition." He said this:

The fundamental reason, I believe, for my removal in April [as rector of the seminary] is that I failed to train the seminarians to be "followers of Archbishop Lefebvre." I taught them to be

followers of Catholic tradition, and to follow Archbishop Lefebvre to the extent that he was faithful to Catholic tradition. In this way the operating principle of seminarians at Ridgefield was different from the operating principle of seminarians in other parts of the Society. Our seminarians would affirm when tradition affirmed, negate when tradition negated, accept when tradition accepted, reject when tradition rejected. In short, we simply did everything the Catholic Church always did, and completely ignored the modernists and their concoctions. For this reason, the John XXIII pill was not easily swallowed at Ridgefield, since these seminarians, steeped in the principle of adherence to tradition as their norm, could not help but smell the unmistakable stench of modernism in these rubrics of John XXIII. They understood immediately that the principle was violated by the presence of even a speck of modernism in the seminary.<sup>9</sup>

What Fr. Sanborn did not say in his article was that it was he who actually put “the John XXIII pill” into the mouths of seminarians and told them to swallow it. He did this even though it “was not easily swallowed”; for, he was the one who introduced the John XXIII liturgy “at Ridgefield.” He did this even though he and the “seminarians, [were] steeped in the principle of adherence to tradition as their norm, [and] could not help but smell the unmistakable stench of modernism in these rubrics of John XXIII.”

Fr. Sanborn did this even though he and the seminarians “understood immediately that the principle [“to be followers of Catholic tradition”] was violated by the presence of even a speck of modernism in the seminary.” Why did Fr. Sanborn do this? Why did he put “the John XXIII pill,” which had “the unmistakable

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<sup>9</sup> Rev. Donald Sanborn, “The Crux Of The Matter,” *The Roman Catholic VI* (January 1984), pp. 13-14.

stench of modernism,” into the mouths of the seminarians and tell them to swallow it? He did it to stay in the good graces of Archbishop Lefebvre. He did it to keep his job as rector of the seminary. Fr. Sanborn’s plan was successful; that is to say, it was successful in the short run. In the long run, he suffered the fate that those who sacrifice their principles on the altar of expediency often suffer. He earned the contempt of the very ones whose favor he sought. It is therefore ironic and even somewhat hypocritical for Fr. Sanborn to criticize Bishop Mendez the way he does. For, to use Fr. Sanborn’s own words, Bishop Mendez took a “most courageous step for the preservation of our holy Catholic Faith in this age of modernism.”

*“Who even goes so far as to use a phony name, a phony identity by wearing lay clothes, ultra-secrecy and finally denial in order to remain on their good terms.”*

We have already dealt with the so-called use of “a phony name.” There was no phony name used by Bishop Mendez; nor did he even use a mental reservation as Fr. Zapp had done when he told the people that the ordinations were done by Bishop Gonzalez.

Equating the “wearing [of] lay clothes” to adopting “a phony identity” is simply ridiculous. If the two were equivalent, and indeed if Fr. Sanborn believed them to be so, then we would have to understand that when Fr. Sanborn wore lay clothes, which he did on many occasions, he did it for the purpose of assuming “a phony identity”?

The question of why Bishop Mendez desired the consecration to remain secret has already been dealt with. What is significant, however, is that steps were taken to prove conclusively in public what was done in private, unlike the case of the Thuc consecrations.

We have also dealt with the allegation that Bishop Mendez denied doing the ordinations. We have shown that such is not the case.<sup>10</sup>

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<sup>10</sup> See Part II, Paragraph 7, Example (4).

*"Bishop Mendez' plan was successful: the Novus Ordo welcomed him as one of their own in the Arecibo cathedral."*

Fr. Sanborn says that it was Bishop Mendez' plan to be buried in the Cathedral of Arecibo. As mentioned above, this is simply not true. Nor is it logical, as we have shown. If Bishop Mendez wanted to stay in the good graces of the *Novus Ordo*, so as to insure his burial in the Cathedral of Arecibo, he would not have done the consecration. Or, as pointed out above, he would have asked us not to reveal the fact of the consecration until long after the burial. This he did not do.

Bishop Mendez knew that his name would be disgraced in the eyes of the Bishop of Arecibo and the Holy Cross Fathers. In fact, on March 17, 1994, I went to dinner with Bishop Mendez at the Quails Inn near his home in Carlsbad. As we left the restaurant, he said to me, referring to the consecration, and this is a direct quote: "They will criticize me but I will laugh at them from heaven." He did not say this in a presumptuous or arrogant way. He said it rather with a certain sense of happiness that he had provided for the future and because he had done so, he was not really concerned with what they would say. For from a supernatural point of view he had done what he believed God wanted him to do. On January 10, 1995, I spoke to Bishop Mendez by phone. He was quite ill at the time but appreciated my call. On that occasion he expressed to me how happy he was that he had done the consecration and had thus provided for the future.

## PARAGRAPH 11

“The sins of the consecrator, to be sure, do not ‘migrate’ to the person consecrated, contrary to what Fr. Kelly always has led one to believe. But I think that the faithful and prospective seminarians especially should be familiar with the lying, the secrecy, and cover-ups concerning Bishop Mendez’ identity and background, as well as the problems surrounding proof of consecration and Mendez’ mental capacity.”

*“The sins of the consecrator, to be sure, do not ‘migrate’ to the person consecrated,”*

If Fr. Sanborn believes, and I know he does, that “the sins of the consecrator . . . do not ‘migrate’ to the person consecrated,” why has he exposed the supposed private sins of Bishop Mendez in order to undermine the person he consecrated? And how can he justify this in his conscience? For even the dead have a right to their good name. As Fr. Jone says:

Everyone has a *right* to his good name, even the deceased, and moral persons, e.g., a community – If his good name is genuine a man has an absolute right that no one injure it.<sup>1</sup>

Fr. Sanborn wrote to Fr. Jenkins that his “sole purpose in pointing out Bp. Mendez’ shortcomings was to demonstrate the inconsistency of Fr. Kelly in approaching him for orders, while at

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<sup>1</sup> Rev. Heribert Jone, O.F.M. CAP., J.C.D., *Moral Theology* (Westminster, Maryland: Newman Press, 1958), p. 251.

the same time he was criticizing others for approaching an unworthy prelate for orders.”<sup>2</sup> How then could he possibly justify what he did in his own mind if “the sins of the consecrator, to be sure, do not ‘migrate’ to the person consecrated”?

***“Contrary to what Fr. Kelly always has led one to believe.”***

It is not now nor was it ever my position that the personal sins of the consecrator “migrate” to the person consecrated.” My position on the Thuc consecrations is the same today as it was in the past. It is virtually identical with the position that Fr. Sanborn had after the 1988 interviews with Dr. Hiller and Dr. Heller. If you recall, Fr. Sanborn drew three conclusions. The first was that validity could not be proved in the external forum. The second was that even if validity could be proved, we could have nothing to do with the Thuc bishops and consecrations because they were too “sordid.” The word “sordid” means “filthy; dirty . . . vile; base; gross; despicable.”<sup>3</sup> In other words, the scandal associated with the Thuc bishops was so great that it would be odious to the Catholic Religion for us to have anything to do with them. This was true even apart from Fr. Sanborn’s third conclusion which was that the behavior of Archbishop Thuc was so “bizarre” that there must have been something seriously wrong with his mind.

We are not talking about the private sins of Archbishop Thuc. We are talking about his public crimes against the Church and the Catholic priesthood. These sacrilegious crimes of Archbishop Thuc are public knowledge. His ecumenical practice of ordaining and consecrating non-Catholics is known throughout the world. So, too, is the irrational behavior of Archbishop Thuc which led so many, including Fr. Sanborn, to conclude that there must have been something seriously wrong with his mind. Furthermore, the purpose of writing about what Archbishop Thuc did is not to reveal the inconsistency of a third party. Rather, it is to protect the

<sup>2</sup> Rev. Donald Sanborn to Fr. William Jenkins, May 22, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

<sup>3</sup> Webster’s New Collegiate Dictionary (Springfield, MA: G. & C. Merriam Co., 1958), p. 807.

people from doubtfully valid Sacraments and from things which are odious to the Catholic Religion. As Fr. Cekada said, speaking of the Thuc bishops: "Even to refer to them as 'traditional Catholic bishops' lends too much respectability to the whole business, which is, in this writer's opinion, very disrespectful indeed."<sup>4</sup>

*"But I think that the faithful and prospective seminarians especially should be familiar with the lying, the secrecy, and cover-ups concerning Bishop Mendez' identity and background, as well as the problems surrounding proof of consecration and Mendez' mental capacity."*

Fr. Sanborn repeats himself. We will therefore answer briefly. There was no lying. There were no cover-ups. The consecration done by Bishop Mendez was done privately; but, this does not present a problem because there is conclusive proof, including authentic documentary proof and compelling testimonial evidence. The mental competence of Bishop Mendez is a proven fact, as well as a legal fact, which we have demonstrated.

On the other hand, "the faithful and prospective seminarians," upon whom a dubious Thuc bishop will be imposed by Fr. Sanborn, should know that such proof does not exist with regard to the Thuc consecrations and the mental competence of Archbishop Thuc. There is no *authentic* documentary proof. The testimonial evidence is very defective. And the preponderance of evidence indicates that there was something seriously wrong with the mind of Archbishop Thuc. Hence, the Thuc consecrations are dubious as to fact and validity.

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<sup>4</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic* V (January 1983), p. 16.

## PARAGRAPH 12

**“The other reason for presenting these facts is to prove that those who have criticized the Thuc consecrations are not worthy of credibility. They are not worthy of credibility because they themselves have done the very thing which they condemn others for having done.”**

*“The other reason for presenting these facts is to prove that those who have criticized the Thuc consecrations are not worthy of credibility.”*

In the past, both Fr. Sanborn and Fr. Cekada “criticized the Thuc consecrations.” In his 1983 article, “Two Bishops In Every Garage,” Fr. Cekada said that it was “impossible” that the Thuc bishops were the future of the Church. He said that the Thuc bishops should not even be referred to as “traditional Catholic bishops.” Fr. Sanborn said, as we have already noted a number of times, that validity could not be proved in the external forum; that even if it could be proved, we could have nothing to do with the Thuc bishops or consecrations because they are too “sordid”; and, that there must have been something seriously wrong with the mind of Archbishop Thuc for him to have done the “bizarre” things he did. What these priests said in the past, we continue to say in the present.

We have remained consistent. It is Fr. Cekada and Fr. Sanborn who are inconsistent. They condemn others for believing today what they believed in the past. Yet, they make no serious attempt to show why they were so wrong in the past or why it is so wrong for us to believe today what they believed yesterday. Does

this not show that it is they who "are not worthy of credibility," rather than the priests they attack?

*"They are not worthy of credibility because they themselves have done the very thing which they condemn others for having done."*

The only similarity between the consecration done by Bishop Mendez and the Thuc consecrations, as we have demonstrated, is that it was not done in public. For the consecration done by Bishop Mendez, there is conclusive documentary proof and testimonial evidence. There were five priests present. There were Assistant Priests as is always required by the Church. The mental competence of Bishop Mendez is a proven fact. For the Thuc consecrations, there is sparse documentary evidence. There were no Assistant Priests to insure that the *Roman Pontifical* was exactly followed especially as regards the matter and form of the Sacrament. The lay witnesses who were there were very unobservant and forgetful about what happened; and, the evidence that there was something seriously wrong with the mind of Archbishop Thuc is very strong.

The conclusion is evident: the priests of the Society of St. Pius V have not done what "they condemn others for having done." The allegation is false. It is, rather, Fr. Sanborn who condemns others for doing what he has done, even though the priests he condemns have not actually done what he accuses them of doing. He is the one who is involved with a "bishop" whose episcopal orders derive from a consecration that was done in secret, for which there is not sufficient proof and which was done by a man whose mental competence was called into question by Fr. Sanborn himself on many occasions. Even after Fr. Sanborn embraced the cause of the Thuc consecrations, he continued to admit that Archbishop Thuc may have been insane or senile. His defense of the Thuc consecrations, in the face of the overwhelming evidence that there was something wrong with the mind of Archbishop Thuc, was to say that while Thuc may have been insane or senile, "no one has

ever attested to the fact that he was in a habitual state of complete loss of reason.”<sup>1</sup>

In other words, Fr. Sanborn is saying, when Archbishop Thuc consecrated Fr. Carmona, to whom “Bishop” Dolan traces his episcopal orders, and when he consecrated Guérard des Lauriers who consecrated Fr. McKenna, Archbishop Thuc *might* have been lucid. He *might* have been in possession of his mental faculties. If he was, then the consecration was valid; and, since “no one has ever attested to the fact that he was in a habitual state of complete loss of reason,” Fr. Sanborn will assume that he was lucid.

Such an argument for the validity of the consecration of Fr. Carmona or Fr. Guérard des Lauriers will provide little consolation for the seminarians whom Fr. Sanborn will present to “Bishop” Dolan or some other Thuc bishop for ordination. It will be no consolation for the seminarian who kneels before such a Thuc bishop to be able to say to himself: “Maybe my ordination will be valid. Maybe Archbishop Thuc was lucid when he consecrated Fr. Carmona or Fr. Guérard des Lauriers. Maybe this Thuc bishop before whom I kneel is validly consecrated. After all ‘no one has ever attested to the fact that he was in a habitual state of complete loss of reason.’ Maybe the Masses I say will be valid; and, perhaps when I absolve the dying, the absolution might be valid as well.” Does anyone seriously believe that the future of the Church could possibly depend on such “maybes”?

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<sup>1</sup> Rev. Donald Sanborn, *Report On Theological And Canonical Principles Governing The Consecration Of Bishop Guérard Des Lauriers*, [September 1988], p. 3.

## **PARAGRAPH 13**

**“For example:**

- **Fr. Kelly, back in 1988, *ranted and raved* about how a secret consecration would never be accepted by the Church. Yet in 1993, he accepts to be consecrated in an ultra-secret ceremony, which is not revealed until after the bishop’s death. This means that no objective person – someone without a personal interest in the consecration – was able to go to Mendez and verify the fact *or* verify his mental capacity. Now Fr. Kelly emerges from this ultra-secret and unverifiable consecration, and expects all to accept it.”**

***“Fr. Kelly, back in 1988, ranted and raved”***

Back in 1988, in the month of February to be exact, and after our trip to Germany, it was Fr. Sanborn who said, in no uncertain terms, with great conviction and firmness that the Thuc consecrations could not be proved in the external forum; that even if they could be proved, we could have nothing to do with them; and, that there must have been something seriously wrong with the mind of Archbishop Thuc.

That was in February. By September, as we have noted, Fr. Sanborn had become an avid promoter of the Thuc consecrations. He quickly forgot the lessons he had learned, firsthand, from Dr. Hiller and Dr. Heller about Archbishop Thuc, the Thuc bishops and the Thuc consecrations. When he changed and tried to get the other priests of the Society of St. Pius V to change, I opposed him. It is this opposition which he interprets as ranting and raving. It is not that I ranted and raved, because I did not. Rather, it is that Fr.

Sanborn interprets firm and uncompromising opposition to his will and plans in this fashion.

There are many people who respond this way to opposition. They take it personally. They think that because you oppose them in what they want to do that you are personally against them. They see opposition as necessarily unreasonable because it is opposition to them. They *know* they are right. They know this in spite of the contradictions, inconsistencies and turnabouts of which they are guilty. To oppose them, therefore, is equivalent to irrationality. To firmly oppose them is to be guilty of ranting and raving.

This may be difficult to understand in itself. It is especially difficult to understand when it involves priests. How is it possible for good priests to be so blinded? Dom Lorenzo Scupoli in his great masterpiece *The Spiritual Combat* says this:

As long as the understanding remains unbiased by the passions, it will easily distinguish between truth and falsehood, between real evil masquerading as good, and real good under the false appearance of evil. However, as soon as the will is moved either to love or hatred by the object, the understanding cannot form a true estimate of it, because the affection disguises it and imprints an incorrect idea.<sup>1</sup>

In other words, when we step back and see things objectively and judge them on the basis of what is right and wrong and true and false, before deciding that we want something or do not want it, we are safe. The intellect is able to distinguish between what is really good or bad as opposed to what merely seems to be good or bad. But if the will is moved first to embrace something or reject it, before the intellect assesses it in an objective manner, the understanding becomes blinded. It loses objectivity. It becomes increasingly less capable of judging what is objectively right and wrong, true and false. The understanding becomes a slave to the will instead of its guide.

<sup>1</sup> Dom Lorenzo Scupoli, *The Spiritual Combat*, rev. William Lester, M.A. and Robert Mohan, M.A. (Rockford, IL: Tan Books and Publishers, 1990), p. 21.

In ordinary language, we call this rationalizing. We decide what we want first. Then we look for reasons to justify our decision that was not guided by the light of reason in the first place. In such a case, reason becomes a tool of the will rather than its guide. It happens all the time; sometimes in small matters, sometimes in serious things. The doctrines of Protestantism are based on such rationalizations. Luther, for example, decided first on his doctrine of salvation by faith alone. Then he went to the Bible to find a justification for the doctrine, which was simply not there. And so he had to add to the text to justify his doctrine that man is saved by faith *alone*. When he saw that the Epistle of St. James says exactly the opposite of this, he rejected the Epistle rather than his own doctrine. Thus did he also reject the apostolicity of the Epistle to the Hebrews, the Epistle of St. Jude and The Apocalypse.

Catholics rationalize, too. They do it in their personal lives. Priests do it as well. They rationalize most especially when authority is weak or virtually non-existent. In normal times the Church tells them what is right and wrong, good and bad. It settles theological disputes. In these troubled times it is different. Priests often decide first what is right and wrong, good and bad. Then they find reasons to justify their decisions. Sure signs that such rationalization is going on are the inconsistencies, contradictions, and reversals of positions of priests, and their personal attacks on those who disagree with them and oppose what they are doing. This is what has happened in the case of Fr. Sanborn and of Fr. Cekada. Both opposed the Thuc bishops in the past. Both embrace them in the present. Neither makes any serious attempt to reconcile the contradictions.

Instead, they write such things as the April 1995 letter and the *Notes*. The irony of it is that they accuse others of doing what they do. Clever articles and personal attacks are substituted for sound theology and reasoned arguments. Like the sophists of old, they use their intelligence and skill to propagandize, rather than to discover the truth. In this fashion they reassure themselves and mislead the people. They more firmly fix themselves and those who follow them on the dangerous path they have chosen. Dom Scupoli says:

When this is again presented to the will which already is prepossessed, it redoubles its love or hatred, pushes beyond all limits, and is utterly deaf to the voice of reason.

In this distorted confusion, the understanding plunges deeper and deeper into error and represents the object to the will in vivid colors of good and evil.<sup>2</sup>

Fr. Sanborn and Fr. Cekada have clearly fixed their wills in the decision to justify the Thuc consecrations at almost any cost. So fixed, in fact, are they in this decision that these two priests are not even troubled by the many contradictions and inconsistencies of which they are guilty. Fr. Sanborn and Fr. Cekada simply ignore what they themselves said and wrote in the past. But reality is reality. Fr. Sanborn's October 1990 letter to Bishop Mendez and Fr. Cekada's 1983 article on the Thuc bishops remain to accuse them.

I think it is important to know these things. Otherwise, it is very difficult to understand what is going on. It is hard to comprehend how these priests who did so much good in the past could say the things they say in the present and why it is that they perceive the way they do any opposition to their plan to impose a dubious Thuc bishop on the people.

Suffice it, then, to say that when the following paragraphs contain allegations that I "*ranted and raved*" about this or that; what is really meant is that I firmly opposed the attempt of Fr. Sanborn to impose his newfound convictions about the Thuc consecrations on the priests and the people.

*"About how a secret consecration would  
never be accepted by the Church."*

It was never my position that the Church did not have the authority to accept "a secret consecration." It was my position that a secret consecration would have to be proved and that the burden of proof rested with the one who made the assertion that such a

<sup>2</sup> *Ibid.*, p. 21-22.

consecration took place and was properly done. This was the position I took in the paper I wrote in response to Fr. Sanborn's September 1988 *Report* to the priests of the Society of St. Pius V. Regarding the Thuc consecrations, it was my position that because of insufficient proof and prudent doubts about the mental competence of Archbishop Thuc, the case of the Thuc consecrations would have to be submitted to a competent Church tribunal before we could accept them.

*“Yet in 1993, he accepts to be consecrated in an ultra-secret ceremony, which is not revealed until after the bishop’s death.”*

Since I did not hold that “a secret consecration would never be accepted by the Church,” there is no contradiction between what I said in 1988 and my acceptance of episcopal consecration from Bishop Mendez in a private ceremony. Nor is there a contradiction in my position that the Thuc consecrations must be rejected as dubious while the consecration done by Bishop Mendez must be accepted as to fact and validity. There is no contradiction because in the case of the Thuc consecrations sufficient provisions were not made to prove in public what was done in secret, whereas in the case of the consecration done by Bishop Mendez such provisions were made. Fr. Sanborn consistently misses the point. The problem is not secrecy. It is proof and mental competence. There is not sufficient proof for the Thuc consecrations; and there are prudent doubts about Thuc’s mental competence. For the consecration done by Bishop Mendez there is conclusive documentary proof and testimonial evidence just as there is conclusive proof that Bishop Mendez was mentally competent.

*“This means that no objective person – someone without a personal interest in the consecration – was able to go to Mendez and verify the fact or verify his mental capacity.”*

What Fr. Sanborn says is not true. Before the consecration took place, Bishop Mendez discussed it with members of his family, as well as with a former colleague in Puerto Rico, as we have noted elsewhere. Bishop Mendez also told the Baumberger family about the consecration after the fact during one of his visits to Cincinnati.

And as for the priests who were involved, is it reasonable to suppose that they who refused to get involved with the Thuc bishops because of a lack of proof and doubts about the mental competence of Thuc, despite the great need for a bishop, would then get involved with a consecration that labors under the very problems that the Thuc consecrations labor under? Is it reasonable to suppose that they who were so careful to arrange for the documentary proof, including authentic documentary proof, would not insure that Bishop Mendez laid hands on the head of the one consecrated and said the sixteen words of the essential form of the Sacrament? It is not only illogical to suggest such neglect on the part of the priests of the Society of St. Pius V. It is manifestly unreasonable and foolish. Furthermore, Dr. Natalie White, who was Bishop Mendez' secretary for eighteen years, was in a better position than almost anyone else to verify both the fact of the consecration and the soundness of Bishop Mendez' mind. Who was in a better position to know his intentions and the state of his mind than she?

As to the question of the mental competence of Bishop Mendez, which Fr. Sanborn repeatedly brings up on the basis of false and misleading "evidence" and statements, there is no question that Bishop Mendez was mentally competent. To summarize what we have already said:

Dr. Carl Bengs, who was Bishop Mendez' personal physician since 1982, swore under oath and under penalty of perjury that Bishop Mendez visited his office sixteen times from October 22, 1993 (three days after the consecration) to December 6, 1994. In his sworn statement Dr. Bengs said: "At all of these meetings with Alfred Mendez he was oriented and while weak physically was certainly competent mentally and with a good sense of humor when last seen on 12/6/94."<sup>3</sup> Dr.

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<sup>3</sup> Testimony of Dr. Carl M. Bengs, M.D., Superior Court of California, County of San Diego, 325 South Melrose Drive, Vista, CA 92083, North County Branch, Estate of Alfred F. Mendez aka Alfred Francis Mendez, Case Number PN 020393.

Bengs has no "personal interest in the consecration."

Dr. Timothy Licher saw Bishop Mendez in Cincinnati, eight days before his death. In a statement dated February 23, 1995, Dr. Licher said that he saw Bishop Mendez in his office. He said: "At the time when I saw him on 1/20/95, the patient was coherent, alert, oriented, and had good long-term and short-term memory. It was my professional opinion at that time that the patient was able to make any and all decisions concerning his financial and physical well-being. There was no evidence of any difficulty with judgment or insight."<sup>4</sup>

The hospice nurse, Mrs. Kelly Dougherty, who is not a Catholic and who certainly has no "personal interest in the consecration" verified under oath that she found Bishop Mendez to be competent the very week of his death. She said under oath: "I felt comfortable with him signing the forms, that he knew what he was signing."<sup>5</sup>

Bishop Mendez' attorney, Mr. Clement O'Neill, who later became the attorney for the Holy Cross Fathers, declared in a legal document that Bishop Mendez came before him on March 21, 1989, and that he, Bishop Mendez, "has been personally known to me and I believe him to be of sound mind."<sup>6</sup> This was after Bishop Mendez suffered a mild stroke (i.e., a TIA) in 1988.

E. David Wininger, Bishop Mendez' attorney, is certainly objective. He has no

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<sup>4</sup> Timothy J. Licher, M.D., to Father William Jenkins, February 23, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

<sup>5</sup> Complete Transcript Of Proceedings, Court Of Common Pleas, Hamilton County, Ohio, Case No. A9500507, p. 149.

<sup>6</sup> *Directive To Physicians*, prepared under the California Health and Safety Code Section 7188.

"personal interest in the consecration" nor is he even a Catholic. He says that there is no question that Bishop Mendez was competent.

Fr. Carl Ebey, the Provincial of the Holy Cross Fathers who was a hostile witness and one who would very much like to undermine the consecration, made it clear that before March of 1994 he detected no confusion in Bishop Mendez and that there was no question that before that date Bishop Mendez made his own decisions. The consecration was in October of 1993.

Even the Holy Cross Fathers, who filed a suit to overturn the Will of Bishop Mendez on grounds of mental incompetence and undue influence, were forced, by the facts, to withdraw their suit and to concede the mental competence of Bishop Mendez. Thus, in their petition of October 18, 1995, to the Superior Court of the State of California for the County of San Diego, North County Branch, they asked the court "for dismissal with prejudice," *against them*, of their suit challenging the Will of Bishop Mendez. The suit was thus settled the following day, October 19, 1995, the Feast of St. Peter of Alcantara and the second anniversary of the consecration.

And finally, the Superior Court of the State of California for the County of San Diego, North County Branch, which dismissed the Holy Cross challenge to Bishop Mendez' Will, is certainly objective and has no "personal interest in the consecration." It was this court that dismissed the suit of the Holy Cross Fathers and thus upheld the Will and Trust of Bishop Mendez and hence his mental competence.

The mental competence of Bishop Mendez is an unassailable fact, conclusively proved and legally established.

*"Now Fr. Kelly emerges from this ultra-secret and unverifiable consecration, and expects all to accept it."*

We have already dealt with the questions of secrecy and verifiability. We have shown that for a consecration that is done in secret or in private, proof is necessary. For the consecration done by Bishop Mendez, there is authentic documentary proof and conclusive testimonial evidence. For the Thuc consecrations, these are lacking. Therefore, both the fact and validity of the Thuc consecrations are "in," as Fr. Cekada said, "a sort of legal limbo."<sup>7</sup> Therefore, there is a grave moral obligation to reject the Thuc consecrations as unproven as to fact and doubtful as to validity, whereas the opposite is true with regard to the consecration done by Bishop Mendez.

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<sup>7</sup> Rev. Anthony Cekada, "The Validity of The Thuc Consecrations," *Sacerdotium* III (Pars Verna MCMXCII), p. 13.

## PARAGRAPH 14

- “*Fr. Kelly ranted and raved in attacks made upon me in 1993, about how I and other priests changed our minds about the Thuc consecrations. Yet we see, from Fr. Zapp’s eyewitness testimony, that Fr. Kelly was so scandalized by Bishop Mendez’s conduct at the 1990 ordinations, that he shook his head and said, ‘I will never do this again.’ Three years later, he has himself consecrated a bishop, or so he says. So it is all right for him to change his mind, but not anyone else.”*

*“Fr. Kelly ranted and raved in attacks made upon me in 1993, about how I and other priests changed our minds about the Thuc consecrations.”*

What Fr. Sanborn says is not true. He has changed his mind about many things. He has often done it out of expediency to suit the needs of the moment. We tolerated this for years. Perhaps we were too tolerant. When it comes, however, to his attempt to impose dubious Thuc bishops on the faithful, such a thing cannot be tolerated because it constitutes a danger to souls and to the integrity of the Catholic Religion.

*“Yet we see, from Fr. Zapp’s eyewitness testimony, that Fr. Kelly was so scandalized by Bishop Mendez’s conduct at the 1990 ordinations, that he shook his head and said, ‘I will never do this again.’”*

I have not seen a copy of any statement by Fr. Zapp about what he says took place at the 1990 ordinations of Fr. Greenwell and Fr. Baumberger. Fr. Sanborn does not cite one. He does not

quote from one. Since Fr. Sanborn was not there and since he does not quote from any sworn or direct statement, his account of what happened is mere hearsay. It is, therefore, difficult to determine how closely his account of what Fr. Zapp told him corresponds to what was actually said. This presents a serious problem. It is a problem because in another place in his letter Fr. Sanborn attributes to Fr. Zapp his account of what took place at the ordinations when Bishop Mendez came to the part of the Preface which constitutes the essential form of the Sacrament. He said:

What is equally serious is the bizarre episode, recounted by Fr. Zapp, an eyewitness, of Bishop Mendez' garbled pronunciation of the essential words at the 1990 ordination, and the bishop's impatience at having to re-do them.<sup>1</sup>

This is a false account of what took place. In fact, it is the exact opposite of what actually happened. Who is responsible for this falsehood? Is it Fr. Sanborn or Fr. Zapp? We do not know because Fr. Sanborn does not cite or quote from a written statement of Fr. Zapp. I point this out simply to put into context what Fr. Sanborn claims Fr. Zapp says I said, namely: "I will never do this again." I do not recall saying that. But if I said anything that even remotely resembles it, it was not because Bishop Mendez made a mistake. It was because I made a mistake. Let me explain.

In September of 1990, I did not know Bishop Mendez very well. Fr. Jenkins' family had known him for many years; but I had not. I had met him but a few times. Furthermore, in February of 1988 Fr. Jenkins, Fr. Sanborn and I had travelled to Germany, as we have mentioned, to interview the witnesses to the Thuc consecrations. In the course of the interviews we tried to find out if the correct matter and form of the Sacrament had been used. We discovered that neither Dr. Hiller nor Dr. Heller could verify that they had been. These two factors – that I did not know Bishop Mendez very well and that Dr. Hiller and Dr. Heller could not

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<sup>1</sup> Rev. Donald Sanborn, April 1995 Letter, p. 4.

verify that the correct matter and form had been used at the Thuc consecrations – made me very cautious and extremely careful. Indeed, I was too careful. Here is what happened.

### *The Ordination Ceremony*

The 1990 ordinations of Fr. Greenwell and Fr. Baumberger took place in the chapel at St. Gertrude Academy in Cincinnati, Ohio. Fr. Jenkins and Fr. Mroczka were the Assistant Priests. Fr. Jenkins was to the right of Bishop Mendez and Fr. Mroczka was to his left as the Bishop read the Preface from the *Roman Pontifical* which contains the essential form of the Sacrament. It was an old Pontifical that predated Pius XII's 1947 Apostolic Constitution *Sacramentum Ordinis*. It was this Constitution that definitively settled the question of what constituted the essential form of the Sacrament. It was later ordered that the essential form be separated from the rest of the text in the *Roman Pontifical* just as the words of consecration at Mass are separated from the rest of the text and are printed in larger type in the Roman Missal. Since this was not the case in the *Pontifical* used by Bishop Mendez, the form was marked so that it was easily distinguishable from the rest of the text of the Preface. It was enclosed in brackets and the words *Forma essentialis* were written in the margin on both sides of the page.<sup>2</sup> When Bishop Mendez came to that part of the Preface, which constitutes the essential form of the Sacrament, he slowed down. He put his finger to the book and read the form slowly, carefully and distinctly. The mistake that I made had to do with the hyphenation of one Latin word.

### *The Word “Quaesumus”*

In the essential form of the Sacrament for the ordination of a priest, the Latin word “quaeſumus” appears. In the *Roman Pontifical* that Bishop Mendez used, the word “quaeſumus” was hyphenated so that “quae—” appeared at the end of one line and “ſumus” at the beginning of the next line. As Bishop Mendez read

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<sup>2</sup> See Appendix A: Document 9 for a facsimile copy of the actual page from the *Roman Pontifical* used by Bishop Mendez.

the words of the form, he placed his right index finger on the book at the beginning of the form which had been marked. He then carefully, deliberately and slowly pronounced each word. When he came to the word "quaesumus," which was hyphenated, he pronounced "quae-" then moved his finger to the beginning of the next line and pronounced "sumus." When I heard the syllables pronounced separately, I was startled and thought that Bishop Mendez had made a mistake. I thought about it and then I informed Fr. Jenkins who was standing to Bishop Mendez' immediate right. Fr. Jenkins asked Bishop Mendez to repeat the form, even though, having observed that Bishop Mendez had pronounced the entire form correctly, he personally did not believe that Bishop Mendez had made a mistake. Bishop Mendez graciously agreed to do so even though he did not think he had made a mistake. He did what any prudent man would do. He repeated the form of the Sacrament a second time because someone else thought he had made a mistake. Again, he pronounced the word "quaesumus" as he had done before. And again I thought he had made a mistake. It was clearly a case of my being too careful. I again told Fr. Jenkins who spoke to Bishop Mendez. But Bishop Mendez knew he had not made a mistake and he let us know it. But I still thought he had made a mistake. In some way I indicated this to Fr. Zapp.

### *The "Why" of It*

Later, I found out that the mistake was mine, not that of Bishop Mendez. Fr. Jenkins verified that the bishop had said every word of the form; and, Fr. Mroczka explained the source of my mistake. He explained exactly what had happened. He said that when Bishop Mendez came to the form of the Sacrament, he put his right index finger on the book at the beginning of the form. He then carefully and deliberately read each and every word as he moved his finger along the page from word to word, exhibiting extraordinary care at this most important point in the ordination ceremony. The confusion arose on my part because of the hyphenated word "quaesumus." And that's the whole of it. The mistake was not Bishop Mendez' mistake. It was mine.

Now, I do not know what Fr. Zapp actually said to Fr.

Sanborn. I do know that after the ceremony Fr. Zapp told Fr. Jenkins that he knew that Bishop Mendez had said the form correctly. And I know what he said to the people in California when he returned after the ordinations. With evident happiness he told them about the ordinations. He informed them that the two new priests were ordained by a retired bishop. He said they could rely upon this bishop who "didn't come out of the woodwork like the Thuc bishops."<sup>3</sup> As for Fr. Sanborn, he spoke to Fr. Zapp after the ordinations. And not only did he not raise doubts about the ordinations after speaking to him he actually arranged for a celebration at the church in Michigan to honor the new priests and served as an Assistant Priest. Fr. Sanborn was actually delighted when he found out about the ordinations, as mentioned above. He told me how happy he was that Bishop Mendez did what he had done. It was in that same spirit that he wrote his October 1990 letter to Bishop Mendez to thank him and to praise him for his courage.

If Fr. Sanborn or Fr. Zapp really had a problem with the ordinations, why did they not raise the question at that time? Why did they joyfully accept the ordinations and then two-and-a-half years later object to them? I am afraid that the more these priests attack Bishop Mendez and contradict their past statements and behavior, the more they impugn their own credibility.

*"Three years later, he has himself consecrated a  
bishop, or so he says. So it is all right for him  
to change his mind, but not anyone else."*

In the years that followed the ordinations, I got to know Bishop Mendez quite well. He continued to support our work both morally and materially. We visited him and he visited us. The thought that he might one day consecrate a bishop was certainly on our minds. Like Fr. Sanborn, we hoped that he would do it. But before we had the chance to even ask him to consider the possibility of doing such a thing in the future, he proposed the question to me. He did this after much prayerful consideration. We later learned

<sup>3</sup> Mr. Patrick J. Mullen, sworn affidavit, August 13, 1996, Personal Files of Bishop Clarence Kelly, Round Top, NY. (See Appendix A: Document 16.)

that he even discussed it with members of his family and a former colleague in Puerto Rico months before he brought it up to me, as we have mentioned already.

As for it being "all right for" me "to change" my "mind, but not" for Fr. Sanborn to change his mind, it simply is not so. There is a world of difference between my accepting the fact that I made a mistake and Fr. Sanborn's abandoning his convictions for the sake of expediency. As was noted above, Fr. Sanborn has been changing his mind on a variety of things for as long as I have known him. Nor have we been intolerant of him because of this. The problem is that he wants us to change our minds in matters that cannot be compromised because of the salvation of souls. He wants us to accept his 180-degree turn on the Thuc bishops. He wants us to ignore his contradictions, inconsistencies and theological vacillations on this subject. He wants us to forget that "inconsistency is like a bacterium which causes a festering sore."<sup>4</sup>

The crux of the matter is not that we say Fr. Sanborn cannot change his mind. The crux of the matter is that Fr. Sanborn and Fr. Cekada are demanding that we change our minds so that they may freely impose dubious bishops, priests and Sacraments on the faithful. They are insisting, in effect, that we accept the Thuc consecrations, or at least that we ignore what they are doing as well as their inconsistencies and the contradictions between what they said and wrote in the past and what they say and write in the present.

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<sup>4</sup> Rev. Donald Sanborn, "The Crux Of The Matter," *The Roman Catholic VI* (January 1984), p. 14.

## PARAGRAPH 15

- “Fr. Kelly *ranted and raved, in a seemingly endless manner, about Archbishop Thuc’s mental capacity.* Yet we see him emerge from an alleged consecration, done by an 86-year-old man, who, according to his family, was hospitalized only two and a half weeks earlier for a stroke. According to Mendez’ housekeeper, the bishop was unconscious for five days in the hospital, and his sister says that he did not recognize her in the hospital. Bishop Mendez’ religious superior visited him about six months after the alleged consecration, and said, under oath, that he thought the bishop was suffering from Alzheimer’s disease. (Alzheimer’s, as everyone knows, is a progressive disease).”

*“Fr. Kelly ranted and raved, in a seemingly endless manner, about Archbishop Thuc’s mental capacity.”*

Fr. Sanborn, no doubt, has in mind the series of articles I wrote for *THE BULLETIN* on the mental state of Archbishop Thuc. Those articles were written in a calm and dispassionate way; and, in my estimation, they proved conclusively, from the principles of Moral Theology and Canon Law, that the Thuc consecrations were certainly doubtful as to validity. They demonstrated that the doubt that exists is both *positive* and *objective* and therefore prudent. Since such is the case, the Thuc consecrations must be treated, in the practical order, as if they were certainly invalid. For, when it comes to the validity of the Sacraments, as we have shown, the *safer course* must be followed.

*“Yet we see him emerge from an alleged consecration, done by an 86-year-old man, who,*

*according to his family, was hospitalized only two and a half weeks earlier for a stroke."*

The doubts about the mental competence of Archbishop Thuc are not based on the fact that he was in his eighties. They are based on his abnormal and "bizarre" behavior, to use Fr. Sanborn's word, from 1975 to the end of his life. As far as Bishop Mendez is concerned, it is simply false to say that he "was hospitalized only two and a half weeks earlier for a stroke." That he was hospitalized in 1993 for a stroke is a pure fabrication created out of thin air with no basis in fact. In 1988 Bishop Mendez had a mild stroke, actually a TIA, from which he quickly recovered. As we mentioned, a TIA is a condition that results in no permanent damage. To be classified as a TIA the patient must completely recover in less than twenty-four hours. He did not have a stroke in 1993. Why does Fr. Sanborn continue to repeat this lie? In his sworn statement under penalty of perjury, Dr. Bengs testified: "Bishop Mendez was my patient since 1982. In October 1993 he was hospitalized from October 1 - 11 for pneumonia and respiratory failure."

*"According to Mendez' housekeeper, the bishop was unconscious for five days in the hospital,"*

Dr. Natalie White, whom Fr. Sanborn refers to as "Mendez' housekeeper," testified at the Cincinnati hearing on the burial of Bishop Mendez. In the course of her testimony she did not say that Bishop Mendez "was unconscious for five days in the hospital." She said the bishop's sister "came over, I think for five days, and stayed at a hotel room nearby, and visited him. But he was wired up at the time, and mostly unconscious."<sup>1</sup> The fact that he was unconscious and close to death was not due to a stroke, as Fr. Sanborn would like the reader to believe. Bishop Mendez was unconscious because he was heavily sedated. He was close to death due to "pneumonia and respiratory failure." Thus, when Bishop Mendez began to recover, he was awake and alert. One of the first things he talked about was the consecration. He told Fr. Jenkins that

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<sup>1</sup> Complete Transcript Of Proceedings, Court Of Common Pleas, Hamilton County, Ohio, Case No. A9500507, p. 203.

he just wanted to live long enough to do it. It was his purpose for living.

***"His sister says that he did not recognize her in the hospital."***

Bishop Mendez' sister did not say "that he did not recognize her in the hospital." She said he did not recognize her the first three days that she visited him in the hospital. At the Cincinnati hearing her lawyer asked her: "During that time period, did he [i.e., Bishop Mendez] recognize you." She replied: "The first three days, no."<sup>2</sup> This was because he was heavily sedated and close to death because of double pneumonia, as we have mentioned.

***"Bishop Mendez' religious superior visited him about six months after the alleged consecration, and said, under oath, that he thought the bishop was suffering from Alzheimer's disease."***

"Bishop Mendez' religious superior" did not say "under oath, that he thought the bishop was suffering from Alzheimer's disease." He said that he thought he "might be suffering from Alzheimers . . ." The difference between the two statements is that Fr. Sanborn's version implies that Fr. Ebey, in his mind, came to a conclusion – as in: "I think this is actually so." Whereas, the true version suggests a mere possibility. For example, there is a world of difference between saying "I believed that John was dead and so I buried him" and "I believed that John *might* be dead and so I buried him."

What Fr. Sanborn does not mention is that Fr. Ebey had visited Bishop Mendez after the bishop was involved in a fatal auto accident. In that accident an acquaintance of Bishop Mendez, whom he had just visited, was run over by the car in which the Bishop was a passenger. Here is what Fr. Ebey actually said at the Cincinnati hearing about where Bishop Mendez was to be buried:

. . . Bishop Mendez was upset.

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<sup>2</sup> *Ibid.*, p. 64.

When I went to see Bishop Mendez after this [i.e., the accident] had taken place, in late April or early May, [of 1994] I was concerned about Bishop Mendez. That he was confused about the accident, and about people within the congregation. And I thought that Bishop Mendez might be suffering from Alzheimers and --<sup>3</sup>

When the judge questioned him about this, Fr. Ebey acknowledged that he was not competent or even "eligible" to form such opinions. He said:

I'm of course, not a doctor and not eligible to make medical opinions, . . .<sup>4</sup>

On the other hand, Dr. Carl Bengs is "eligible to make medical opinions"; and he testified that Bishop Mendez was mentally competent during the time that Fr. Ebey visited with Bishop Mendez. In sworn testimony Dr. Bengs said that Bishop Mendez visited his office on April 13, 1994, before the visit of Fr. Ebey, and again on June 21, 1994, after the visit. Dr. Bengs testified in his statement that on those occasions, Bishop Mendez "was oriented and while weak physically was certainly competent mentally."<sup>5</sup> (By the way, Bishop Mendez did not have Alzheimer's disease.)

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<sup>3</sup> *Ibid.*, pp. 93-94.

<sup>4</sup> *Ibid.*, p. 94.

<sup>5</sup> Testimony of Dr. Carl M. Bengs, M.D., Superior Court of California, County of San Diego, 325 South Melrose Drive, Vista, CA 92083, North County Branch, Estate of Alfred F. Mendez aka Alfred Francis Mendez, Case Number PN 020393.

## PARAGRAPH 16

- “Fr. Kelly *ranted and raved* that the consecrations of Archbishop Thuc were not properly documented. When a document was produced, written in Thuc’s own hand and witnessed by two witnesses, Fr. Kelly conceded nothing, passed over the fact in silence and began to attack Archbishop Thuc as being mentally incompetent. Now Fr. Kelly is allegedly consecrated by a bishop who used a phony name and then lied, in writing, about doing the ordinations in 1990, referring to them as ‘an ugly rumor,’ in order to protect himself from the censure of the Novus Ordo. Yet we are expected to accept Bishop Mendez’ documents without question.”

*“Fr. Kelly ranted and raved that the consecrations of Archbishop Thuc were not properly documented.”*

The Thuc consecrations were not properly documented. There are no authentic documents that testify to the fact of the consecrations. Indeed, when I wrote the articles for *THE BULLETIN* about the Thuc consecrations, there were no known documents signed by Archbishop Thuc. That is why in Fr. Cekada’s 1992 article on the Thuc consecrations, in the section entitled “Documentation,” he cites every conceivable thing but makes no reference to any consecration certificate signed by Archbishop Thuc.<sup>1</sup> As Fr. Jenkins wrote to Fr. Sanborn in this regard:

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<sup>1</sup> Rev. Anthony Cekada, “The Validity of The Thuc Consecrations,” *Sacerdotium III (Pars Verna MCMXCI)*, p. 14-16.

Father Sanborn, during our lengthy discussion at the church in Warren, Michigan, in September of 1991, you assured me that all of Archbishop Thuc's consecrations were done the same way. I asked if that meant Archbishop Thuc issued no documents or certificates after any of his consecrations. You assured me that he did not.<sup>2</sup>

Since then, one document has appeared that was allegedly signed by Thuc. It refers to only one of his consecrations. Its value is, however, very limited as we have demonstrated in Part I, Chapter 5. As Fr. Sanborn said in a letter to Fr. Jenkins:

“Furthermore, documents are only instruments of testimony, and, as such, have no more or less weight than the credibility of the person testifying orally.”<sup>3</sup>

“If this is so,” said Fr. Jenkins, “then Father Barbara’s comment that Archbishop Thuc had the ‘oriental notion’ of truth bears investigation.”<sup>4</sup>

*“When a document was produced, written in Thuc’s own hand and witnessed by two witnesses, Fr. Kelly conceded nothing, passed over the fact in silence and began to attack Archbishop Thuc as being mentally incompetent.”*

The implication is that our opposition to the Thuc consecrations was based at first solely on the lack of documentary proof; and, when a document was produced, we “began to attack Archbishop Thuc as being mentally incompetent.” This is not true. The question of the mental state of Archbishop Thuc was always in the forefront of the debate. It was always an issue. In fact, it was

<sup>2</sup> Rev. William W. Jenkins, *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn* (Oyster Bay, N.Y.: The Society of St. Pius V [1993]), p. 17.

<sup>3</sup> Quoted in *ibid.*

<sup>4</sup> *Ibid.*

always the most important issue. It was also foremost in Fr. Sanborn's mind. He is the one who declared, in no uncertain terms, after the interviews with Dr. Hiller and Dr. Heller, that there was something seriously wrong with the mind of Archbishop Thuc because of his "bizarre" behavior. That is why he addressed the issue in his September 1988 *Report* to the priests of the Society of St. Pius V. If it were not an issue and if it only became one many years later after the production of the document mentioned above, Fr. Sanborn would not have written the following in 1988:

Question has been raised about Abp. Thuc's state of mind and ability to perform the sacraments correctly. . . . It is true that Abp. Thuc was either insane, senile, or extremely gullible in order to have done the things that he did, but one cannot, for that reason assume that he did not know what he was doing while confecting sacraments. In the first place, no one has ever attested to the fact that he was in a habitual state of complete loss of reason. [Emphasis in original.]<sup>5</sup>

Fr. Sanborn practically conceding intermittent insanity said:

For even if one concludes that Thuc was insane, it does not mean that his sacraments were necessarily invalid. In other words, the degree of insanity is all important.<sup>6</sup>

Clearly the allegation of Fr. Sanborn that we "began to attack Archbishop Thuc as being mentally incompetent" after the document was produced is false.

<sup>5</sup> Rev. Donald Sanborn, *Report On Theological And Canonical Principles Governing The Consecration Of Bishop Guérard Des Lauriers*, [September 1988], p. 3.

<sup>6</sup> *Ibid.*

***"Now Fr. Kelly is allegedly consecrated by a bishop who used a phony name and then lied, in writing, about doing the ordinations in 1990, referring to them as 'an ugly rumor,' in order to protect himself from the censure of the Novus Ordo. Yet we are expected to accept Bishop Mendez' documents without question."***

Fr. Sanborn again repeats the same error he has so often alleged. The individual allegations about using a phony name and lying have already been dealt with.<sup>7</sup> As for the documents related to the consecration done by Bishop Mendez, the reason they should be accepted is that they constitute conclusive proof. For, as Fr. Augustine the canonist says, authentic private documents "produce the same juridical effect as public documents."<sup>8</sup> And that effect, as Fr. Augustine says, is: "They prove what is directly and principally affirmed in them."<sup>9</sup> This was thoroughly explained in Part I, Chapter 3: Principles 1 and 2.

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<sup>7</sup> See Part II, Paragraph 7.

<sup>8</sup> Rev. P. Chas. Augustine, O.S.B., D.D., *A Commentary On The New Code Of Canon Law*, 3d ed., 8 vols. (St. Louis: B. Herder Book Co., 1925-1931), vol. 7, p. 255.

<sup>9</sup> *Ibid.*, p. 259.

## PARAGRAPH 17

- “**Fr. Kelly ranted and raved about Archbishop Thuc’s alleged association with non-catholics. He consents, however, to be consecrated by a bishop who is in open communion with the Novus Ordo, which Fr. Kelly has repeatedly called a non-catholic sect. Bishop Mendez was furthermore desirous of gathering all traditionalists into a Tridentine Ordinariate, that is, a separate rite under the auspices of the new religion. To top it all off, Bishop Mendez was in communion with the Feeneyites, whose doctrines were condemned by Rome in 1949, and the signature of a Feeneyite actually appears on one of the consecration documents. Yet Fr. Kelly is known to have refused a Feeneyite sacraments on her death-bed. A double standard?”**

*“Fr. Kelly ranted and raved about Archbishop Thuc’s alleged association with non-catholics.”*

Fr. Sanborn uses the word “association” to describe Archbishop Thuc’s relationship with non-Catholics. It is a euphemism, to say the least. The problem is not that Archbishop Thuc associated with non-Catholics. It is that he actively participated in religious services with them. It is not that he went to lunch with non-Catholics. It is that he bestowed episcopal consecration on them sacrilegiously. There is a difference. Indeed, one would think that it would not be necessary to point this out. Yet, it seems that it is necessary when it comes to the apologists for the Thuc consecrations. One such apologist, for example, compared participation in a concert with a fallen away Catholic with giving

Holy Communion to members of a non-Catholic sect. There is in Catholic theology an essential difference between social association with non-Catholics or fallen away Catholics and communication with them in sacred things.

Archbishop Thuc not only communicated in sacred things with non-Catholics, he regularly conferred Holy Orders on them. He was truly a scandalous bishop. As Fr. Noel Barbara said:

By his flaunted contempt for the laws of the Church, his simulated repentance followed by frequent lapses and his compromises with a-Catholic [i.e., non-Catholic] sects, Pierre Martin NGO DINH THUC is a scandalous bishop. . . . he conferred episcopal consecration or the sacrament of order on Clement, the false pope of Palmar de Troya, in Spain, and on his companions, then on Arbinet, Garcia, Laborie, on Fr. Guérard des Lauriers O.P. (France), on the abbés Moises Carmona and Adolfo Zamora (Mexico), on Miguet, Meunier, Datessen (France) etc. With the exceptions of Guérard, Carmona and Zamora, all the others are apostates from the Catholic Church, which they left to found or to rejoin a sect.

We emphasize that Thuc never concerned himself with withdrawing those on whom he imposed hands from these sects. He ordained priests or consecrated bishops in their respective sects; . . . .<sup>1</sup>

The scandals of Archbishop Thuc are so great and numerous that he may truly be described as an infamous person. He "lost his reputation in the opinion of upright and conscientious

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<sup>1</sup> Rev. Noel Barbara, *Burning Questions: Straight Answers* (Tours, France: Fortes In Fide [ca. 1983]), Appendix, pp. 19-20.

Catholics”<sup>2</sup> because of what he did, which is the very meaning of *infamy of fact* in Canon Law.

That is bad enough. What makes the situation worse is that Fr. Sanborn and Fr. Cekada do not seem to care. They minimize or ignore the crimes of Thuc even as they seek to destroy the reputation of Bishop Mendez. This minimizing seems to be a common trait among those who advocate the cause of the Thuc consecrations. For example:

Fr. Robert McKenna not only minimizes the crimes of Thuc. He actually seems to portray them as good. In the April 1992 issue of his newsletter, *Catholics Forever*, Fr. McKenna published, what he calls, a “Bishop Tree.” On this “Bishop Tree” he lists the names of nine men who were personally consecrated by Thuc. *Six of the nine listed are not Catholic.* Yet, Fr. McKenna suggests that all nine are a “providential assurance indeed of the Apostolic Succession.”<sup>3</sup>

In his 1992 article, Fr. Cekada tried to minimize the crimes of Archbishop Thuc by saying that what he had done was no better or worse than what Archbishop Lefebvre had done. He wrote of Thuc:

His actions and his statements on the situation in the Church were, like Abp. Lefebvre’s, often contradictory and mystifying. And like Abp. Lefebvre, he too apparently accepted a deal with the Vatican and later changed his mind. On the other hand, theological zig-zagging and errors of practical judgment prove only that a given archbishop (take your pick) is human and fallible.<sup>4</sup>

<sup>2</sup> John A. Abbo, S.T.L., J.C.D. and Jerome D. Hannan, A.M., LL.B., S.T.D., J.C.D., *The Sacred Canons*, rev. ed., 2 vols. (St. Louis: B. Herder Book Co., 1952), vol. 2, p. 854.

<sup>3</sup> Rev. Robert McKenna, “Archbishop Peter Martin Ngo-Dinh-Thuc” & “Thuc-Line Bishops,” *Catholics Forever* 99 (April 1992), pp. 5-6.

<sup>4</sup> Rev. Anthony Cekada, “The Validity of The Thuc Consecrations,” *Sacerdotium* III (Pars Verna MCMXCII), pp. 7-8.

Fr. Sanborn, for his part, put it this way:

In the wake of Vatican II, there were only three bishops who did anything to help preserve the Catholic Faith from the nearly universal corruption which we daily witness: these bishops were Archbishop Marcel Lefebvre, Archbishop Ngo-dinh-Thuc, and Bishop Antonio de Castro-Mayer. They all, at diverse times, consecrated bishops according to the traditional Roman rite, in order that the faithful might receive valid sacraments from priests who retained and professed the unchanged Catholic Faith. These are the bishops who will transmit to future generations the valid episcopacy and priesthood, since these sacraments have been, in all likelihood, rendered invalid by the reformed rites of Vatican II.<sup>5</sup>

In this manner, those who advocate the cause of the Thuc consecrations minimize and make light of the crimes and ecumenical practices of Thuc. They ignore the fact that he profaned the Catholic priesthood, the Holy Sacrifice of the Mass, the Sacraments and the Holy Eucharist by his consecrations of non-Catholics. Consider again the list of those he consecrated: *Clemente Dominguez Gomez*, alias "Pope Gregory XVII"; *P.E.M. Comte de Labat d'Arnoux*, apostate from the Catholic Church; *Jean Laborie*, founder of his own sect, known homosexual (according to Fr. Barbara), previously consecrated by Louis Jean Stanislaus Canivet who officiated at a satanist center in Lyons; *Claude Nanta de Torrini*, Old Catholic bishop; *Roger Kozik* and *Michel Fernandez*, founders of a non-Catholic sect; *Christian Marie Datessen*, Old Catholic bishop.

Fr. Cekada said that Thuc "also ordained another 'Old Catholic' from Marseilles named Garcia, and a certain ex-convict

<sup>5</sup> Rev. Donald Sanborn to fellow Catholic [1993], sent with "The Validity of The Thuc Consecrations" and *The Thuc Consecrations: A Postscript*, p. 1.

named Arbinet who went on later to become a Palmar ‘bishop.’”<sup>6</sup> We emphasize, as Fr. Barbara did,

*. . . that Thuc never concerned himself with withdrawing those on whom he imposed hands from these sects. He ordained priests or consecrated bishops in their respective sects [emphasis added]; so that now, by the recklessness of this old Catholic bishop, these unfortunate heretico-schismatics in their sects profane the holy mass and all the sacraments which they administer in a manner which is necessarily sacrilegious.*<sup>7</sup>

Nor is that the end of the story. The words of Fr. Cekada ring true. Speaking of the Thuc bishops, he wrote: “The story will not end here – it is probable that ‘instant’ bishops will continue to multiply exponentially, as among the ‘Old Catholics.’”<sup>8</sup>

If John Paul II consecrated a non-Catholic, who had been previously consecrated by an Old Catholic bishop who officiated at a satanist center, would Fr. Sanborn and Fr. Cekada say that to do such a thing was no better or worse than what Archbishop Lefebvre did? Would they say that such a thing was “contradictory and mystifying” but only proves that he “is human and fallible” like the rest of us? I doubt it.

Minimize as they will, the simple truth is that the crimes of Archbishop Thuc were both grave and numerous. If he was in his right mind, these crimes would indicate that he was not only a scandalous bishop but an heretical one as well. For, one may be guilty of heresy by words or by deeds. As Fr. Eric MacKenzie says:

Words are the ordinary, but not the only means of communication. Complete externalization of thought may exist in signs, acts or omissions.

<sup>6</sup> Rev. Anthony Cekada [Peregrinus], “Two Bishops In Every Garage,” *The Roman Catholic* V (January 1983), p. 7.

<sup>7</sup> Barbara, *Burning Questions*, Appendix, p. 20.

<sup>8</sup> Cekada, “Two Bishops,” p. 16.

Hence Pighi rightly states that if a person disbelieves in the Real Presence, and, in token of this disbelief, deliberately omits to remove his hat in a Catholic Church, he has completely expressed his heretical tenet, and has incurred censure.<sup>9</sup>

Now while it is true that the failure to remove one's hat in church would not in itself lead another to believe that a given Catholic rejected the dogma of the Real Presence – it would ordinarily be seen as a sign of irreverence, carelessness or forgetfulness – there are deeds which in themselves signify heresy. Such a deed would be the consecration of someone for a non-Catholic sect. For, as MacKenzie says:

The very commission of any act which signifies heresy . . . gives sufficient ground for juridical presumption of heretical depravity.<sup>10</sup>

Furthermore, Canon 2200 provides that:

When an external violation of the law has been committed, malice is presumed in the external forum until the contrary is proved (c. 2200, §2).<sup>11</sup>

This presumption is necessary to safeguard the common good. Again as Fr. MacKenzie says:

The preservation of order, and the elimination of quibbling excuses, make necessary the provision that where the external delinquent act has been committed, the existence of sin be presumed.<sup>12</sup>

<sup>9</sup> Rev. Eric F. MacKenzie, A.M., S.T.L., J.C.L., *The Delict Of Heresy*, Canon Law Studies no. 77 (Washington, D.C.: Catholic University Of America Press, 1932), p. 35.

<sup>10</sup> *Ibid.*

<sup>11</sup> T. Lincoln Bouscaren, S.J., LL.B., S.T.D. and Adam C. Ellis, S.J., M.A., J.C.D., *Canon Law A Text And Commentary*, 3d rev. ed. (Milwaukee: Bruce Publishing Co., 1957), p. 839.

<sup>12</sup> MacKenzie, *Delict Of Heresy*, p. 34.

Therefore:

By virtue of canon 2200, §2, the fact that a delict [i.e., a violation of the law] has been committed establishes a presumption that the delinquent was fully responsible. A mere assertion of ignorance will not suffice.<sup>13</sup>

The truth is that if we apply the principles of Canon Law to the case of Archbishop Thuc and assume he was sane, it would have to be presumed that he was guilty of heresy. For, it is an heretical act to consecrate non-Catholics in their respective sects. As MacKenzie puts it: "The very commission of any act which signifies heresy . . . gives sufficient ground for juridical presumption of heretical depravity."<sup>14</sup> Recall the words of Fr. Barbara:

We emphasize that Thuc never concerned himself with withdrawing those on whom he imposed hands from these sects. He ordained priests or consecrated bishops in their respective sects; . . .<sup>15</sup>

In the light of what Archbishop Thuc actually did, it is almost beyond belief that Fr. Sanborn would say that ". . . Catholics who want nothing to do with the modernists may only look to these [Thuc] bishops for valid sacraments." It is incredible that he would declare:

In the wake of Vatican II, there were only three bishops who did anything to help preserve the Catholic Faith from the nearly universal corruption which we daily witness: these bishops were Archbishop Marcel Lefebvre, Archbishop Ngo-dinh-Thuc, and Bishop Antonio de Castro-Mayer.

<sup>13</sup> *Ibid.*, p. 41.

<sup>14</sup> *Ibid.*, p. 35.

<sup>15</sup> Barbara, *Burning Questions*, Appendix, p. 20.

They all, at diverse times, consecrated bishops according to the traditional Roman rite, in order that the faithful might receive valid sacraments from priests who retained and professed the unchanged Catholic Faith. These are the bishops who will transmit to future generations the valid episcopacy and priesthood, since these sacraments have been, in all likelihood, rendered invalid by the reformed rites of Vatican II.<sup>16</sup>

Whatever failings Archbishop Lefebvre, Bishop de Castro-Mayer and Bishop Mendez may have had, they pale in comparison with the crimes of Archbishop Thuc who had no qualms about consecrating “heretico-schismatics in their sects.” If Archbishop Thuc was responsible for his actions, he was a profoundly evil man and one of the worst bishops the twentieth century has produced.

*“He consents, however, to be consecrated by a bishop who is in open communion with the Novus Ordo, which Fr. Kelly has repeatedly called a non-catholic sect.”*

I am not sure what Fr. Sanborn means by “open communion,” in light of his past behavior and his present position on John Paul II and the *Novus Ordo* hierarchy. For, Fr. Sanborn not only recognizes John Paul II and the *Novus Ordo* bishops as being in legal possession of their offices, he actually considers that this legal possession “protects the apostolicity and unity of the Church.”<sup>17</sup> As for my position on the *Novus Ordo* church, it is my opinion that the changes of the Modernists in doctrine, morals and worship have, in effect, created a new church which is not the Catholic Church. But I also recognize that I do not have the authority to definitively settle this question so as to impose my conclusion on the minds of other Catholics as if I were the magisterium. Furthermore, I recognize that there are many good

<sup>16</sup> Rev. Donald Sanborn to Fellow Catholic [1993], sent with “The Validity of The Thuc Consecrations” & *The Thuc Consecrations: A Postscript*, pp. 1-2.

<sup>17</sup> Rev. Donald J. Sanborn, “De Papatu Materiali,” *Sacerdotium XVI* (Pars Verna MCMXCVI), p. 52.

Catholic people who do not see things exactly as I do. As Fr. Sanborn said: "This is a time of confusion and doubt . . ." <sup>18</sup> and "a private bishop, priest or layman, lacking authority, has no right whatsoever to authoritatively declare other Catholics to be outside the Catholic Church." <sup>19</sup>

*As for Bishop Mendez*

Bishop Mendez resigned his position as Bishop of Arecibo in 1974. He offered the traditional Mass daily in his private chapel. He defended Archbishop Lefebvre when Paul VI condemned him in 1976. He became an avid supporter of *What Catholics Believe* and of the work of the Society of St. Pius V. He ordained priests for the Society of St. Pius V in 1990. And in 1993, he consecrated a bishop for the Catholic faithful. I consented to be consecrated by Bishop Mendez because he was a valid Catholic bishop who had the Catholic Faith and was in full possession of his mental faculties. He was also of good reputation, at least until Fr. Sanborn and Fr. Cekada set out to destroy it. If Bishop Mendez considered John Paul II to be a valid pope, he increasingly came to regard him as a bad pope. If he used his name in the Canon of the Mass, it was not to stay in the good graces of his superiors or to keep a position of importance, as was the case with Fr. Sanborn. Bishop Mendez did it because he thought it was the right thing to do. He did not do it out of expediency. Fr. Sanborn should realize by now that Catholics who do not agree with his position on the status of John Paul II, whatever that position might be at any given moment, are still Catholics if they have the true Faith. It is simply wrong to elevate one's opinion on the subject to the level of unchangeable dogmatic truth.

The point is that there are many traditional Catholic people who sincerely believe that John Paul II is a valid pope and that the Church he rules is the Catholic Church. This does not mean they are *formally* members of a non-Catholic sect. As Fr. Sanborn himself wrote:

<sup>18</sup> Rev. Donald J. Sanborn, "Bickering Priests," *Catholic Restoration IV* (January-February 1994), p. 23.

<sup>19</sup> *Ibid.*, p. 22.

. . . Catholics who have defected to the Novus Ordo are nearly universally received back to the Faith without any need of abjuration. Why? Because nearly every priest thinks that they became involved in the Novus Ordo through invincible ignorance, and therefore did not incur the censure of adhering to a false religion. On the other hand, if JP 2 or an Hans Kung wanted to return, it would be a different story.<sup>20</sup>

*"Bishop Mendez was furthermore desirous of gathering all traditionalists into a Tridentine Ordinariate,"*

At one time Bishop Mendez thought that it would be a good idea to establish a "Tridentine Ordinariate." He saw this as a means to get Catholic people out from under the control of liberal bishops and as a means to provide them with the traditional Latin Mass. This is to his credit. It shows where his heart was, and it refutes the claim of Fr. Cekada in his *Notes* that Bishop Mendez ordained Frs. Baumberger and Greenwell because of "personal ties" and on an "impulse" rather than out of conviction.<sup>21</sup> That such a "Tridentine Ordinariate" was not, in fact, a viable option became increasingly clear to Bishop Mendez. As his support for a "Tridentine Ordinariate" waned, his support of the Society of St. Pius V increased. He eventually abandoned the idea and did what Fr. Sanborn so desperately wanted him to do. He consecrated a bishop for the faithful.

*"To top it all off, Bishop Mendez was in communion with the Feeneyites, whose doctrines were condemned by Rome in 1949, and the signature of a Feeneyite actually appears on one of the consecration documents. Yet*

*Fr. Kelly is known to have refused a Feeneyite sacraments on her death-bed. A double standard?"*

One can only speculate as to the basis and the meaning of Fr. Sanborn's allegation that "Bishop Mendez was in communion

<sup>20</sup> *Ibid.*, p. 23.

<sup>21</sup> Rev. Anthony Cekada, *Notes On Bishop Mendez & an Episcopal Consecration* (Madison Heights, MI: Catholic Restoration, [1995]), p. 4.

with the Feeneyites." He does not give the basis for his allegation in his letter, nor did he respond to my letter of inquiry about the matter. But in all the years that I knew Bishop Mendez, I do not recall even one instance in which he so much as mentioned the name of Fr. Feeney or the Feeneyites.

The truth is that Bishop Mendez was no more "in communion with the Feeneyites" than he was the signatory to the forged Confirmation certificate that was circulated by one of Fr. Sanborn's colleagues in order to destroy the bishop's reputation. (See Appendix A: Document 18.)

As for the allegation that "the signature of a Feeneyite actually appears on one of the consecration documents," I asked the individual in question if Fr. Sanborn's allegation was true. The response I received was an emphatic no. I then wrote to Fr. Sanborn and asked him: "On what do you base this allegation?" Fr. Sanborn did not respond. But I later found out that the source of his allegation was a certain layman. Fr. Sanborn does not name the individual nor even let the reader know that his allegation is based on what that person told him.

Furthermore, this individual spoke to the person in question in 1989. Therefore, Fr. Sanborn knew about the alleged "Feeneyite" connection since that time. In other words, he knew about it before Bishop Mendez ordained Fr. Greenwell and Fr. Baumberger. Why then did Fr. Sanborn later approve of the ordinations which were done by Bishop Mendez in September of 1990? Why did he not object to the ordinations on the grounds that "Bishop Mendez was in communion with the Feeneyites, whose doctrines were condemned by Rome in 1949"? And why did Fr. Sanborn write to Bishop Mendez in 1991 in the hope that he would consider consecrating a bishop if he believed that "Bishop Mendez was in communion with the Feeneyites"? If he really believed there was a problem why did he not bring it to my attention?

He did not object to the ordinations because common sense suggests that just because a person might think that Fr. Leonard Feeney had a point with regard to the doctrine that outside the Church there is no salvation, does not make that person a "Feeneyite." Indeed, there are many well-intentioned people who think that Fr. Feeney was a defender of Catholic orthodoxy and who are not aware of his grave errors on sanctifying grace and justification.

The whole thing, however, is actually quite ironic because by his own standard Fr. Sanborn would have to plead guilty to being "in communion with the Feeneyites." One of the three individuals who Fr. Sanborn announced would be a teacher at his new seminary gave an interview to a journal that clearly espouses the cause of the late Fr. Feeney. And in the interview this individual *appears* to approve of the errors of Fr. Feeney. The interview appeared in the March 1995 issue of *Res Fidei*. It was conducted by Bro. Andre Marie, M.I.C.M. of the Saint Benedict Center.

In the course of the interview, the individual in question suggested that he was indebted to Fr. Feeney and his followers for his enlightenment which came about, he said, "through reading your books, *Gate of Heaven*, *Bread of Life*, *The Loyolas and the Cabots*, and *They Fought the Good Fight*, and becoming aware of Saint Benedict Center, both your group and the groups in Still River, and beginning to study your periodicals, books and tapes . . . ." <sup>22</sup>

As to the matter of refusing the Sacraments to "a Feeneyite . . . on her death-bed," what actually happened was this. Some years ago I was called upon to administer the Last Rites to a certain individual who, it was said, espoused the errors of Fr. Leonard Feeney. I visited the person in question to find out the truth. As it turned out, the truth was that this individual was indeed a devoted follower of Fr. Feeney and a strong advocate of his views. I then explained to this person that I could not in good conscience administer Holy Communion under the circumstances. But since there was no scandal involved and it was a private matter (at least until Fr. Sanborn decided to make it public), I explained to this person that I could give a conditional absolution in the hope that this individual was in good faith. For as Fr. Jone says: "*In danger of death* [even] a heretic or schismatic may be absolved conditionally if he is in good faith and cannot be convinced of his error. As far as possible scandal must always be avoided." <sup>23</sup> When I spoke to Fr. Sanborn about the matter at the time it occurred he did not disapprove of what I had done.

<sup>22</sup> Bro. Andre Marie, M.I.C.M., "On Tracing The River Back To Its Source," *RES FIDEI* (March, 1995), p. 25.

<sup>23</sup> Rev. Heribert Jone, O.F.M. CAP., J.C.D., *Moral Theology* (Westminster, Maryland: Newman Press, 1958), p. 394.

## PARAGRAPH 18

*"We all know that if any of these facts which are recounted concerning Bishop Mendez had been said of Archbishop Thuc, Fr. Kelly would have used them in his bulletins as ammunition for criticism. We would have never heard the end of it, if Archbishop Thuc's family said he was mentally impaired, or if six months after the consecration, his religious superior said that he thought he had Alzheimer's. We would have never heard the end of it, if Archbishop Thuc had used a phony name and then lied, in writing, about the consecrations which he did, referring to them as 'ugly rumors.' This information would have been plastered from one end of the country to the other, with the conclusion that these consecrations are doubtful, and we can have nothing to do with them. Yet when Fr. Kelly does it, and it is his episcopacy, the rules change, and he who criticizes it is accused of 'malice.' This is the height of hypocrisy."*

*"We all know that if any of these facts which are recounted concerning Bishop Mendez had been said of Archbishop Thuc, Fr. Kelly would have used them in his bulletins as ammunition for criticism."*

If someone compiled a "list of facts" about Archbishop Thuc made up of false statements, rash judgments and calumnies, I would certainly not use such "facts" in *THE BULLETIN* nor anywhere else. Nor would I reveal the secret sins, real or imagined, of Archbishop Thuc in order to expose the hypocrisy of priests who support the Thuc consecrations. I do not believe that the end justifies the means. The facts that have been published about Archbishop Thuc are publicly known, and they are relevant to the question of the acceptability or non-acceptability of the Thuc

consecrations and the danger to souls that is caused by the imposition of dubious bishops, priests and Sacraments on the faithful.

*"We would have never heard the end of it, if Archbishop Thuc's family said he was mentally impaired, or if six months after the consecration, his religious superior said that he thought he had Alzheimer's."*

If Archbishop Thuc's family raised questions about his mental competence, we would have investigated the allegations. If his religious superior said that he thought that Archbishop Thuc had Alzheimer's, we would have done the same. If, however, upon investigation of the allegations we discovered that there was no substance to the claims made by certain family members or the religious superior, we certainly would not cite what they said as proof that Thuc was not in full possession of reason. The truth does matter. The doubts that exist about the mental competence of Archbishop Thuc are not based on such unfounded allegations by distraught family members or disgruntled religious superiors. They are based on what Fr. Sanborn characterized as Thuc's "bizarre" behavior over a period of almost nine years which led many to question his mental competence, including people so diverse as Fr. Sanborn, on the one hand, and Cardinal Jose Castillo Lara, on the other hand, who said that "Ngo Dinh Thuc represents a pitiable situation, as there is some mental imbalance."<sup>1</sup>

On the other hand, the mental competence of Bishop Mendez is a proven fact. His personal physician since 1982, Dr. Carl Bengs, swore to this under penalty of perjury. The Holy Cross Fathers requested that the court dismiss *their* suit "with prejudice" against them, rather than face certain defeat in court. The upholding of Bishop Mendez' Trust and Will also shows this. Furthermore, if we recall what actually transpired in the Cincinnati court case, we see that Fr. Sanborn's characterization of what the family said is not accurate.

*"We would have never heard the end of it, if Archbishop Thuc had used a phony name and then lied, in writing, about the*

<sup>1</sup> Cardinal Jose Castillo Lara, quoted in *Fidelity* 13 (March 1994), p. 37.

*consecrations which he did, referring to them as ‘ugly rumors.’ This information would have been plastered from one end of the country to the other, with the conclusion that these consecrations are doubtful, and we can have nothing to do with them.”*

The “phony name . . . lied . . . ‘ugly rumors’” allegations have already been dealt with. If similar false allegations had been made about Archbishop Thuc, we certainly would not plaster them “from one end of the country to the other.” It would be a sin of calumny to do so. There is an essential difference between Archbishop Thuc and Bishop Mendez in this regard. Archbishop Thuc destroyed his own name by regularly bestowing episcopal consecration on the most unworthy non-Catholics that one could find, as is commonly known. It is this notorious betrayal of the Catholic priesthood that has made him infamous. Bishop Mendez’ good name, on the other hand, has been, in some measure, destroyed by disgruntled supporters of the Thuc consecrations on the basis of a “list of facts” which is little more than a list of false statements, rash judgments and calumnies.

The Thuc consecrations are doubtful as to fact and validity because there is not sufficient documentary proof and/or testimonial evidence to establish them according to the norms of Church law; and because there are positive and objective doubts, and hence prudent doubts, about the mental competence of Archbishop Thuc. The position that we take today is the position espoused by Fr. Sanborn in 1988 after the interviews with Dr. Hiller and Dr. Heller. (1) Validity cannot be proved in the external forum. (2) Even if validity could be proved, we could have nothing to do with the Thuc bishops or consecrations because they are too “sordid.” (3) There must have been something seriously wrong with the mind of Archbishop Thuc for him to have done the “bizarre” things that he did.

*“Yet when Fr. Kelly does it, and it is his episcopacy, the rules change, and he who criticizes it is accused of ‘malice.’ This is the height of hypocrisy.”*

The rules have not changed. Quite the contrary is true. We learned a great deal from our investigation of the Thuc consecrations, and we applied what we learned to the consecration done by Bishop Mendez. That is why we were so careful to insure that there would be sufficient and compelling documentary proof

and testimonial evidence for that consecration. We appreciated how important it was to be able to prove in the external forum what was done privately *precisely because* such proof did not exist for the Thuc consecrations. We were determined not to make the same mistakes.

When a person does something wrong in ignorance or through a want of freedom, malice is said to be lacking, but when a person does something wrong with knowledge and liberty, malice is said to be present. Fr. Sanborn's April 1995 letter together with the *Notes* constitutes a clear attempt to destroy the reputation of Bishop Mendez. This attempt resorts to false statements, rash judgments and calumnies. Furthermore, by his own admission, it was done without any justification, even if the "facts" on the list were facts and not falsehoods, rash judgments and calumnies. Fr. Sanborn wrote to Fr. Jenkins on May 22, 1995, and offered as his excuse for attempting to destroy Bishop Mendez' reputation, which he euphemistically refers to as pointing out his shortcomings, his desire to expose the "inconsistency" of a third party. He wrote:

My sole purpose in pointing out Bp. Mendez' shortcomings was to demonstrate the inconsistency of Fr. Kelly in approaching him for orders, while at the same time he was criticizing others for approaching an unworthy prelate for orders. In no way was my purpose a vindictive attack against the person of Bp. Mendez.<sup>2</sup>

In the first place, I did not approach Bishop Mendez for orders. He approached me. I did not ask him to consecrate me. He asked me if I would agree to be consecrated by him. Secondly, even if there were some inconsistency to expose, you cannot destroy the reputation of one person to point out the inconsistency of another. You cannot destroy the reputation of Mr. Jones because you want to expose the inconsistency of Mr. Smith. To do so is a grave sin

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<sup>2</sup> Rev. Donald Sanborn to Fr. William Jenkins, May 22, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

against justice. Does Fr. Sanborn not know this? When he set out to ruin the reputation of Bishop Mendez in the minds of thousands of traditional Catholic people in order to expose someone else's "inconsistency," did he do it with knowledge of what he was doing and with liberty? If he did, then there was malice because when a person does something wrong with knowledge and liberty, malice is said to be present. To point this out is not "the height of hypocrisy." It is Catholic morality. (It should also be noted that Fr. Sanborn, in his attempt to undermine the consecration done by Bishop Mendez, clearly acknowledges that Archbishop Thuc was indeed "an unworthy prelate.")

## PARAGRAPH 19

**"Rev. James E. McDonald, C.S.C., the Provincial of the Holy Cross Fathers, writing for the Novus Ordo 'Apostolic Nuncio' in Washington in a letter to a lay person, dated March 28, 1995, made the following comments:**

In that last six years of his life Bishop Mendez was in extremely delicate and fragile physical and mental health. He was eighty-seven when he died and in the last several years suffered heart problems, strokes, and loss of memory. I believe that he may have been taken advantage of in these last years by the Society of Saint Pius V.

We are not prepared to say, and may never be prepared, to say whether he in fact ordained these people and whether he ordained them validly.

Now imagine if these things had been written about Archbishop Thuc, what Fr. Kelly would have said. He would have had the proverbial 'field day' in using them to attack the consecrations done by Thuc. But when it concerns *his* alleged consecration, we are expected to ignore such comments. To me this is unheard-of hypocrisy."

***"Rev. James E. McDonald, C.S.C., the Provincial of the Holy Cross Fathers,"***

"The Provincial of the Holy Cross Fathers" is Fr. Carl Ebey, C.S.C.. Fr. McDonald is the Treasurer. He was acting Provincial and represented the Holy Cross Fathers with regard to the law suits that were instituted to overturn Bishop Mendez' Will and Trust.

*"Rev. James E. McDonald . . . writing for the Novus Ordo Apostolic Nuncio' in Washington . . . made the following comments: 'In that last six years of his life Bishop Mendez was in extremely delicate and fragile physical and mental health. He was eighty-seven when he died and in the last several years suffered heart problems, strokes, and loss of memory.'"*

In 1988 Bishop Mendez suffered a mild stroke (a TIA) from which he quickly recovered. Fr. McDonald's attorney, Clement O'Neill, witnessed a legal document signed by Bishop Mendez on March 21, 1989, the year following the TIA. Mr. O'Neill testified that "the declarant [Bishop Mendez] has been personally known to me and I believe him to be of sound mind."<sup>1</sup> Bishop Mendez did not suffer "strokes" "in the last several years" of his life. He suffered only the one mild stroke in 1988, which was actually nothing more than a TIA, as we noted above.

Bishop Mendez did not suffer a "loss of memory" "in the last several years" of his life. Bishop Mendez had a remarkable memory even up to the very end of his life. Dr. Timothy Licher, who saw Bishop Mendez eight days before his death, wrote about Bishop Mendez in a statement dated February 23, 1995:

At the time when I saw him on 1/20/95, the patient was coherent, alert, oriented, and had good long-term and short-term memory.<sup>2</sup>

It is simply not true that: "In that last six years of his life Bishop Mendez was in extremely delicate and fragile physical and mental health." Fr. McDonald simply does not know what he is talking about. What he says is false.

*"I believe that he may have been taken advantage of in these last years by the Society of Saint Pius V."*

Fr. McDonald and Fr. Ebey, of the Holy Cross Fathers, instituted a lawsuit to overturn the Will and Trust of Bishop

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<sup>1</sup> *Directive To Physicians*, prepared under the California Health and Safety Code Section 7188.

<sup>2</sup> Timothy J. Licher, M.D., to Father William Jenkins, February 23, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

Mendez. Their suit alleged mental incompetence and undue influence. Sometime after filing the original suit, they changed lawyers and learned that they had no case. The mental competence of Bishop Mendez was an unassailable fact. The undue influence allegation was absolutely groundless. The Holy Cross Fathers then petitioned the court to dismiss their own suit "with prejudice" against them. The effect of such a dismissal, as we have mentioned, is the same as if the suit went to trial and they lost. The petition was signed on October 18, 1995, and submitted to the court on October 19, 1995, the Feast of St. Peter of Alcantara, which was the second anniversary of the consecration done by Bishop Mendez, as we have noted.

Fr. McDonald's suggestion that Bishop Mendez "may have been taken advantage of in these last years by the Society of Saint Pius V" is another false statement and groundless allegation. Bishop Mendez was not taken advantage of by anyone and certainly not by "the Society of Saint Pius V." Nor did anyone tell Bishop Mendez what to do. He was a kind and generous man; but he was his own man. The fact that Bishop Mendez consecrated a bishop without a papal mandate is a bitter pill for the Holy Cross Fathers to swallow. But the simple fact is that he did the consecration, and he did it because he wanted to do it. It was his idea. He saw it as a way to provide the true Mass and Sacraments for the faithful in the face of the disastrous effects of Vatican II. His support for the Society of St. Pius V was enthusiastic and genuine. There are many letters from Bishop Mendez to illustrate this fact. His decision to follow in the footsteps of Archbishop Lefebvre by consecrating a bishop without a papal mandate was his, and he rejoiced in that decision until the day of his death. It was his consolation that he had provided for the future.

*"We are not prepared to say, and may never be prepared, to say whether he in fact ordained these people and whether he ordained them validly."*

Since the death of Bishop Mendez, Fr. McDonald and the Holy Cross Fathers have had time to study their files on Bishop Mendez, as well as documents they received in the discovery

process of the law suit. They have copies of Bishop Mendez' letters to Archbishop Lefebvre and of the letters he wrote to the Vatican in defense of Archbishop Lefebvre. They know of Bishop Mendez' long-standing support of the traditional Latin Mass. They must realize that the consecration was a logical outgrowth of his convictions. If they are not prepared to publicly accept what Bishop Mendez did, it is surely to save face. Holy Cross is a very liberal religious congregation. It is, therefore, a great embarrassment that one of their most important members followed in the footsteps of Archbishop Lefebvre. It is a bitter pill to swallow. It is a difficult thing for them to accept and to acknowledge publicly.

It should be noted that Fr. Sanborn left out an important part of the second paragraph of Fr. McDonald's letter without indicating that he had left it out. He left out the part that explains Fr. McDonald's attitude towards the Society of St. Pius V and the consecration. The *full* paragraph follows. The italicized part is what was left out by Fr. Sanborn.

*As a Catholic, you are troubled by these events, as I am. Bishop Mendez was an esteemed member of our Congregation for his entire life and a tireless bishop for the Catholic church. We are not prepared to say, and may never be prepared, to say whether he in fact ordained these people and whether he ordained them validly.*

Fr. McDonald says that Bishop Mendez was "an esteemed member" of the Holy Cross Fathers. Yet, it was this "esteemed member" who ordained priests for the Society of St. Pius V and who performed an episcopal consecration without a papal mandate. It was this "esteemed member" of the Holy Cross Fathers who followed in the footsteps of Archbishop Lefebvre and Bishop de Castro-Mayer. It is no wonder that the liberal Fr. McDonald is "troubled."

*"Now imagine if these things had been written about Archbishop Thuc, what Fr. Kelly would have said."*

If such things had been written about Archbishop Thuc as were written by Fr. McDonald about Bishop Mendez, and those things were the only basis for raising questions about mental competence, I would immediately say that there were no grounds to question the mental competence of Thuc. But the mental competence of Thuc is not called into question because of false and unsubstantiated statements like those of Fr. McDonald. His mental competence is called into question by a pattern of behavior that marked his life from 1975 to 1984, which Fr. Sanborn described as "bizarre" and which led him to conclude that there must have been something seriously wrong with his mind. There is simply no comparison between the two cases.

*"He would have had the proverbial 'field day' in using them to attack the consecrations done by Thuc. But when it concerns his alleged consecration, we are expected to ignore such comments. To me this is unheard-of hypocrisy."*

The things written about Bishop Mendez by Fr. McDonald are not true, as we have shown above. If someone wrote false things about Archbishop Thuc, we certainly would not cite them or accept them the way Fr. Sanborn cites and accepts false statements about Bishop Mendez. This is not about propaganda. It is about the truth. And the truth is that Archbishop Thuc bestowed episcopal consecration on the most unworthy non-Catholic scoundrels that one could find. In doing this, he betrayed Christ and the Church. The destruction of Bishop Mendez' reputation cannot redeem Thuc. The truth about Archbishop Thuc can be found in Fr. Cekada's 1983 article *about* the Thuc bishops. The truth about Bishop Mendez can be found in Fr. Sanborn's October 1990 letter to Bishop Mendez. I recommend that Fr. Sanborn read what Fr. Cekada wrote in 1983 and that Fr. Cekada read what Fr. Sanborn wrote in 1990.

## PARAGRAPH 20

**"Because of all of the deceit, cover-up, hypocrisy, phony names, and secrecy surrounding Bishop Mendez and those who participated in receiving orders from him, it is objectively difficult to prove that this consecration took place. Take a step back, for instance. Imagine if you did not know the personalities involved, but merely heard that in a foreign country, say Brazil, a very small and closed group of priests claimed that their leader was consecrated by an 86-year-old bishop, who was always seen in lay clothes because the mob was after him, who used a phony name, who hobnobbed with movie stars and frequented the gambling and showgirl hot spots, and who had had a stroke only two and a half weeks previous. They wait until the phony-named incognito bishop dies, and then announce it. The family testifies in court that the man was mentally impaired, and his religious superior says he thinks he had Alzheimer's. Would you want to get involved in something like that?"**

***"Because of all of the deceit, cover-up, hypocrisy, phony names, and secrecy surrounding Bishop Mendez and those who participated in receiving orders from him, it is objectively difficult to prove that this consecration took place."***

There was no "deceit, cover-up, hypocrisy" or the use of "phony names." It is true that the consecration was done privately. It is not true that Fr. Sanborn really believes this is a problem. He wants the reader to think that he does. But he really does not. This is evident from the May 22, 1995, letter he wrote to Fr. Jenkins which we quoted above and from his May 20, 1995 letter to a mutual friend

on Long Island. In the May 20 letter that he wrote to justify his attempted destruction of Bishop Mendez' reputation, he said:

I was not criticizing the secrecy of the alleged consecration, but rather the hypocrisy of Fr. Kelly in accepting to be secretly consecrated . . .<sup>1</sup>

Fr. Sanborn's private words show that his public words are insincere. His April 1995 letter is really not about the truth. It is about propaganda.

As for the consecration done by Bishop Mendez being "objectively difficult to prove," we have amply demonstrated that this is not so. We have shown that there is conclusive documentary proof and testimonial evidence. It is the exact opposite situation as that which exists with regard to the Thuc consecrations.

*"Take a step back, for instance. Imagine if you did not know the personalities involved, but merely heard that in a foreign country, say Brazil, a very small and closed group of priests claimed that their leader was consecrated by an 86-year-old bishop,"*

The scandalous bishop in Fr. Sanborn's scenario is not Bishop Mendez. Bishop Mendez is the bishop to whom Fr. Sanborn addressed the beautiful words of his October 2, 1990, thank you note saying to him:

*Your Excellency,*

*Thank you for ordaining to the holy priesthood Frs. Baumberger and Greenwell.*

*. . . I only wish there were more young men who could be ordained at this time.*

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<sup>1</sup> Rev. Donald Sanborn to Mr. Donald Fantz, May 20, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

*May God bless you for this most courageous step for the preservation of our holy Catholic Faith in this age of modernism.*

*Sincerely yours in Christ,  
Fr. Sanborn*

The bishop in Fr. Sanborn's scenario is a fictional character. He was created by Fr. Sanborn's vivid imagination to sully the name of Bishop Mendez. His scenario is outrageous. Nor is it the first time that he has resorted to absurd scenarios to rescue the Thuc consecrations from the mire of doubt and scandal in which they are steeped. The scenarios he concocted for his article *The Thuc Consecrations: A Postscript* were equally absurd. As Fr. Jenkins wrote in his *Open Appeal* to Fr. Sanborn:

These "scenarios" are so silly, outrageous and puerile as to be at once an insult to your own intelligence and an embarrassment to your fellow priests. As though Father Kelly and I were arguing that you need a baptismal document and qualified witnesses to throw a party!<sup>2</sup>

In his attempt to salvage the Thuc consecrations and to undermine the one done by Bishop Mendez, Fr. Sanborn has thrown moral caution to the wind. He is playing with moral fire. His October 1990 letter to Bishop Mendez is proof of this and stands in judgment against him before God and man.

*"Who was always seen in lay clothes  
because the mob was after him,"*

This statement is silly. For example, when Fr. Sanborn was rector of the seminary at Ridgefield, Connecticut, he drove to Montana with seminarians. During the entire trip he wore lay clothes. When he was at a girls' summer camp in California, he

<sup>2</sup> Rev. William W. Jenkins, *The Thuc Consecrations: An Open Appeal To Fr. Donald Sanborn* (Oyster Bay, N.Y.: The Society of St. Pius V [1993]), p. 21.

wore jeans. When Fr. Cekada and Fr. Dolan go on their vacations, they have been seen wearing lay clothes. If someone asked one of these priests why he was wearing lay clothes and he answered that he was incognito because "the mob was after him," would anyone not know that he was joking? If Bishop Mendez ever, in fact, gave such a response to such a question, it was clearly because he was joking. To suggest otherwise is simply ridiculous. He did after all have a very good sense of humor as those who knew him can verify.

***"Who used a phony name, who hobnobbed with movie stars"***

Bishop Mendez did not use a phony name. Nor did he hobnob with movie stars. That he met a few "movie stars" across the years in the course of his fund raising activities for the Church is true. But that certainly is not a crime. To say, however, that he hobnobbed with movie stars is a distortion of the facts. The word "hobnob" means "to drink familiarly; hence, to be on intimate terms." As a noun it means "A drinking together."<sup>3</sup> Bishop Mendez was neither a drinking man nor was he on "intimate terms" with movie stars.

***"And frequented the gambling and showgirl hot spots,"***

Of all the things said by Fr. Sanborn in his letter and by Fr. Cekada in his *Notes*, the insinuations of impurity against Bishop Mendez are the most outrageous. They are base, ignoble and vile. They are as blatantly false as the statement that Bishop Mendez had a stroke two and a half weeks before the consecration or the lie that he "suddenly began racing through" the essential form of the Sacrament at the ordinations of Fr. Greenwell and Fr. Baumberger "so quickly that it was incomprehensible."

This insinuation of impurity against Bishop Mendez betrays an evil intention and a desperate attempt to undermine the consecration he performed at any cost. The truth is that Bishop Mendez was an extremely modest man. His extreme concern with

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<sup>3</sup> Webster's New Collegiate Dictionary (Springfield, MA: G. & C. Merriam Co., 1958), p. 393.

modesty was demonstrated to the priests over and over again in the course of his last illness.

Bishop Mendez did travel to Las Vegas. But he did not go there to frequent "gambling and showgirl hot spots." He went to visit old friends who had retired there and with whom he always stayed when he went. I contacted these friends of Bishop Mendez. When they heard about Fr. Sanborn's letter and the *Notes*, they were absolutely outraged. In response to the allegations made by Fr. Sanborn and Fr. Cekada, Mr. and Mrs. Donald Eicholz, the friends of Bishop Mendez with whom he stayed when he went to Las Vegas, wrote the following notarized letter dated May 13, 1995, from which I have already quoted:

May 13, 1995

To whom it may concern:

It is with great sorrow that we find ourselves having to defend one of God's exemplary and holy Apostles, Bishop Alfred F. Mendez. The evil calumny heaped on this saintly soul is disgraceful, and the work of Satan himself.

Our friendship with Bishop Mendez goes back to 1961 shortly after his consecration. He has been a close and intimate friend of ours ever since. He has been a guest in our home vacationing just like one of our family. The last time was Dec. 3rd thru Dec. 8th of 1994. . . .

. . . I have had the honor of serving at Mass for "Padre" as he was known to us. When we lived near him in Carlsbad, this was a daily occurrence. He always offered "the Mass of forever", the Tridentine Mass, never the Novus Ordo. After we moved, he offered Mass for us in our home here in Las Vegas many times.

While living in Carlsbad, I served as coordinator for a group of traditionalist Catholics. One of my functions was to arrange for priests to come and offer the Tridentine Mass on our behalf. There were times that no priest was available, so

Bishop Mendez would offer Mass for us if requested to do so.

We moved to Las Vegas in 1985, followed shortly by Mr. and Mrs. Kilcullen, also close friends of his Grace. I can say with all truthfulness that Bishop Mendez never stayed anywhere in Las Vegas but in our home. If we were away, he stayed with the Kilcullens. The only time he went to a casino was to eat at one of the many famous buffets as our guest. He never attended any of the shows, and never gambled. The blatant lies about him in this regard are totally false, and God will severely punish those responsible for these lies. . . .

Bishop Mendez has always displayed a superior intelligence, and a keen awareness of the evils that plague our Holy Mother Church. It is inconceivable that he would ordain priests, or consecrate a Bishop, without much prayer and deliberation over a long period of time. It is our considered opinion that the calumniators of Bishop Mendez are trying to cover up their own misdeeds and culpable guilt regarding those matters that have been so destructive to the Mystical Body of Christ, His Holy Church.

Sincerely in Christ,  
Donald J. Eicholz  
Louise Eicholz<sup>4</sup>

Mr. and Mrs. Patrick Kilcullen also addressed to me a letter in defense of Bishop Mendez :

May 30, 1995

Your Excellency,

It has been brought to our attention that untrue allegations have been brought against Bishop

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<sup>4</sup> Mr. and Mrs. Donald Eicholz to Bishop Clarence Kelly, May 13, 1995.  
Personal Files of Bishop Clarence Kelly, Round Top, NY.

Alfred F. Mendez. This holy man of God was a friend, confidant, and confessor to my husband and I, and our family for over thirty two years. We write on his behalf since he is not here to defend himself. He enriched our lives with his holiness, his vast store of spiritual knowledge, his exemplary life, and his wit. Which I might add he maintained to the end of his life. . . .

Sincerely yours in Christ,  
Patrick J. and Elizabeth S. Kilcullen<sup>5</sup>

What Fr. Sanborn and Fr. Cekada have done is inexcusable. The very letter that Fr. Sanborn wrote to Mr. Fantz, mentioned above, as well as his letter of October 1990 to Bishop Mendez should alert Fr. Sanborn to the danger he is in. The lame excuse he gave to Mr. Fantz shows that something is wrong. He knows that one cannot expose the sins, real or imagined, of one man to attack the hypocrisy of another, however real or imagined it may be. Thus, trying to excuse his inexcusable attack on Bishop Mendez, Fr. Sanborn said:

I was not criticizing the secrecy of the alleged consecration, but rather the hypocrisy of Fr. Kelly in accepting to be secretly consecrated . . . .

In the same letter to Mr. Fantz Fr. Sanborn also said:

. . . *my only reason for pointing out the shortcomings of Bp. Mendez* [emphasis added] was to show that Fr. Kelly had done exactly what he had criticized others for doing.<sup>6</sup>

Fr. Sanborn says that his “only reason” for attempting to destroy the good name of Bishop Mendez – which he

<sup>5</sup> Mr. and Mrs. Patrick Kilcullen to Bishop Clarence Kelly, May 30, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

<sup>6</sup> Sanborn to Fantz, May 20, 1995.

euphemistically refers to as “pointing out the shortcomings of Bp. Mendez” – was to show that what a third party had done was “exactly what” this third party “had criticized others for doing.” Does he realize what he is saying? Does he realize what he is here admitting to?

If someone went to confession to Fr. Sanborn and said that he wanted to expose the hypocrisy of John by destroying the reputation of Bill, would Fr. Sanborn say: “By all means do it; why, I destroyed the reputation of a Catholic bishop who died a most holy death to show that a certain priest ‘had done exactly what he had criticized others for doing’”? Of course he would not say that. He would say that you could not even expose the supposed hypocrisy of John unless there were some compelling moral reason.

Fr. Sanborn and Fr. Cekada know very well from the study of Moral Theology that one is not justified in destroying the reputation of one person in order to expose the “hypocrisy” of another person. Nor does the fact that Bishop Mendez is dead excuse them. For as Fr. Jone says: “Everyone has a *right* to his good name, even the deceased, . . . .”<sup>7</sup> Furthermore, since it is a matter of justice, restitution is required by the moral law. Fr. Jone says:

The *obligation* to make restitution for damage unjustly caused by detraction or calumny is one of justice and includes the restoration of the injured person’s reputation and the reparation of any material harm resulting therefrom if this was foreseen at least in a confused manner.<sup>8</sup>

To insinuate that Bishop Mendez “frequented the gambling and showgirl hot spots” is base, ignoble and vile. This “evil calumny” has no grounds other than the fact that Bishop Mendez’ plane landed in Las Vegas. What does this do to the credibility of

<sup>7</sup> Rev. Heribert Jone, O.F.M. CAP., J.C.D., *Moral Theology* (Westminster, Maryland: Newman Press, 1958), p. 251.

<sup>8</sup> *Ibid.*, p. 253.

Fr. Sanborn and Fr. Cekada? Who would want to get involved in a cause that is so doubtful and so scandalous that Catholic priests have to resort to the things Fr. Sanborn and Fr. Cekada have resorted to in order to justify that cause? As Fr. Cekada once said: "Can we really take all this seriously and suppose that the 'bishops' involved in such goings-on are the future of the Church? Impossible."<sup>9</sup>

*"And who had had a stroke only  
two and a half weeks previous."*

Fr. Sanborn again repeats this lie in order to raise questions about the mental competence of Bishop Mendez. His dependence on this untruth, however, is just one more nail in the coffin in which his false statements, rash judgments and calumnies will be buried by people of good will. All one has to do is to compare what Fr. Sanborn wrote to Bishop Mendez in October of 1990 with what he wrote *about* him in April of 1995. We have already dealt with the other allegations contained in Paragraph 20 in Paragraph 5.

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<sup>9</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic V* (January 1983), p. 16.

## PARAGRAPH 21

**"The question of Mendez' competency is serious. The testimony in favor of his competency would have to be very strong in order to dispel all serious doubt. It is true that the cognitive power necessary to perform a sacrament validly is easy to achieve: you simply have to know what you are doing and intend to do it. But for the record of posterity, will seminarians ever feel right about receiving orders from a bishop who was consecrated by an 86-year-old man, about whom it is said by eyewitnesses, under oath, that he was 'mixed up' and thought to have had Alzheimer's?"**

*"The question of Mendez' competency is serious."*

It is true that the question of mental competence in the minister of a Sacrament is a serious matter. It is very serious. That is why Msgr. Pohle wrote:

The combination of matter and form into a sacramental sign (*confectio*), and its application to the individual recipient (*administratio*), — two factors which, with the sole exception of the Holy Eucharist, invariably coincide, — require a minister who has the full command of reason. Hence lunatics, children, *and others who have not the full use of reason are incapable of administering a Sacrament.* [Emphasis added.]<sup>1</sup>

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<sup>1</sup> The Rt. Rev. Msgr. Joseph Pohle, Ph.D., D.D., *The Sacraments, A Dogmatic Treatise*, adapted and ed. Arthur Preuss, 3d, rev. ed., 4 vols. (St. Louis: B. Herder Book Co., 1944), vol. 1, p. 162.

The problem, however, is not with Bishop Mendez whose mental competence is a proven fact. It is with Archbishop Thuc whose "bizarre" behavior led Fr. Sanborn to declare with great conviction and certitude in February of 1988 that there must have been something seriously wrong with his mind.

*"The testimony in favor of his competency would have to be very strong in order to dispel all serious doubt."*

The simple fact is that the *testimony in favor* of the mental competence of Bishop Mendez is not only very strong. It is conclusive, as we have shown. On the other hand, the testimony that Archbishop Thuc had something seriously wrong with his mind is also very strong. Indeed, it is so compelling as to be overwhelming. From the end of 1975 to the time of his death in 1984, Thuc exhibited a pattern of behavior that led many people to conclude that there was something wrong with his mind and Fr. Sanborn to concede that insanity and senility were two of three possible explanations for it.

In order "to dispel all serious doubt" about the mental competence of Archbishop Thuc, "the testimony in favor of his competency would have to be very strong," to use Fr. Sanborn's words. But such "very strong" testimony does not exist. We do not have the kind of testimony that we have in the case of Bishop Mendez. What we have in the case of Archbishop Thuc is nine years of bizarre behavior that can only be accounted for by some serious mental debilitation or consummate evil. When all is said and done, we do not, of course, know for certain whether Archbishop Thuc was a profoundly evil man or a man not in full possession of his mental faculties. As Fr. Barbara put it:

- We do not know with certainty. Perhaps he was in possession of his faculties, and perhaps he was not. That would leave a doubt hovering over the censures incurred, but also over the validity of all these ordinations.<sup>2</sup>

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<sup>2</sup> Rev. Noel Barbara, *Burning Questions: Straight Answers* (Tours, France: Fortes In Fide [ca. 1983]), Appendix, p. 20.

The conclusion is unavoidable. According to Fr. Sanborn's own standard, the Thuc consecrations are doubtful with regard to validity and must be regarded as such until it is proved that Archbishop Thuc was in full possession of his faculties. To do that: "The testimony in favor of his competency would have to be very strong in order to dispel all serious doubt." Therefore, the Thuc consecrations must continue to be treated, in the practical order, as if they were certainly invalid. For, as we have pointed out, when it comes to the validity of the Sacraments, we must follow the *safer course* under pain of mortal sin.

*"It is true that the cognitive power necessary to perform a sacrament validly is easy to achieve: you simply have to know what you are doing and intend to do it."*

The "cognitive power necessary" to validly administer the Sacraments is easy to achieve for someone who is in full possession of reason. It is quite another matter when it comes to someone who is not. The preponderance of the evidence indicates that Archbishop Thuc did not have "the full command of reason," as Msgr. Pohle put it. If he did not, the Thuc consecrations would be invalid because those "who have not the full use of reason are incapable of administering a Sacrament."<sup>3</sup> But since we do not know for certain, the serious doubts about the mental competence of Archbishop Thuc cannot be resolved by us. It would take a competent ecclesiastical tribunal to do that. The Thuc consecrations, therefore, *even apart from the question of proof*, are certainly doubtful as to validity and must be treated in the practical order as if they were certainly invalid for the reasons mentioned above.

*"But for the record of posterity, will seminarians ever feel right about receiving orders from a bishop who was consecrated by an 86-year-old man, about whom it is said by eyewitnesses, under oath, that he was 'mixed-up' and thought to have had Alzheimer's?"*

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<sup>3</sup> Pohle, *The Sacraments*, vol. 1, p. 162.

Seminarians will feel right about receiving orders from someone consecrated by Bishop Mendez. This is so because of Fr. Sanborn's own criterion stated above: "The testimony in favor of his competency would have to be very strong in order to dispel all serious doubt." The testimony about the mental competence of Bishop Mendez is not just very strong. It is conclusive.

Fr. Ebey did not say that Bishop Mendez was "mixed-up," in his opinion, at the time of the consecration. In fact, he made it very clear under oath that any confusion he perceived, if in fact he did perceive real confusion, was not perceived before the spring of 1994. Indeed, he made it very clear under oath that such confusion as he perceived after Bishop Mendez was involved in a terrible auto accident was definitely not perceived in him before the accident. On the other hand, Bishop Mendez visited his doctor before the accident and after it. Dr. Bengs later testified under oath that Bishop Mendez "was certainly competent mentally" at those times.<sup>4</sup> Recall as well the letter of Dr. Timothy Lichter who saw Bishop Mendez eight days before his death:

Alfred Mendez was first seen in my office on 1/20/95 for weight loss and jaundice. He was subsequently diagnosed 5 days later to have pancreatic carcinoma. At the time when I saw him on 1/20/95, the patient was coherent, alert, oriented, and had good long-term and short-term memory. It was my professional opinion at that time that the patient was able to make any and all decisions concerning his financial and physical well-being. There was no evidence of any difficulty with judgment or insight.<sup>5</sup>

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<sup>4</sup> Testimony of Dr. Carl M. Bengs, M.D., Superior Court of California, County of San Diego, 325 South Melrose Drive, Vista, CA 92083, North County Branch, Estate of Alfred F. Mendez aka Alfred Francis Mendez, Case Number PN 020393.

<sup>5</sup> Timothy J. Lichter, M.D., to Father William Jenkins, February 23, 1995, Personal Files of Bishop Clarence Kelly, Round Top, NY.

Therefore, seminarians will not have a problem receiving orders from someone whose orders descend from Bishop Mendez. But seminarians who have any sense at all will have a problem in receiving orders from "Bishop" Dolan or some other Thuc bishop. After all, it was Fr. Sanborn who wrote:

It is true that Abp. Thuc was either insane, senile, or extremely gullible in order to have done the things that he did . . .<sup>6</sup>

It is not impossible that Archbishop Thuc was in full possession of reason. It is possible that he was simply a very evil man who profaned the Sacraments out of hatred for God or for money. It is even possible that he had serious mental problems with moments of lucidity. As Fr. Sanborn said, "no one has ever attested to the fact that he was in a habitual state of complete loss of reason."<sup>7</sup> Perhaps when Thuc consecrated Fr. Carmona, as we pointed out above, to whom "Bishop" Dolan traces his orders, he had some moments of true lucidity. It is possible. But who would want to be ordained by a possible bishop as opposed to a certainly valid bishop?

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<sup>6</sup> Rev. Donald Sanborn, *Report On Theological And Canonical Principles Governing The Consecration Of Bishop Guérard Des Lauriers*, [September 1988], p. 3.

<sup>7</sup> *Ibid.*

## **PARAGRAPH 22**

**“What is equally serious is the bizarre episode, recounted by Fr. Zapp, an eyewitness, of Bishop Mendez’ garbled pronunciation of the essential words at the 1990 ordination, and the bishop’s impatience at having to re-do them. Why would he garble these words, when he had pronounced all the others properly? Priests *slow down* and pay attention to the essential words very carefully.”**

It is not true, as we have pointed out, that “Bishop Mendez’ garbled [the] pronunciation of the essential words at the 1990 ordination.” We do not know, however, whether it was Fr. Sanborn or Fr. Zapp or both who made up the story of the “garbled pronunciation.” Fr. Jenkins and Fr. Mroczka who were the Assistant Priests at the ordinations and who stood by the side of Bishop Mendez (Fr. Jenkins was to his right and Fr. Mroczka to his left) and followed along as he read the essential form of the Sacrament from the *Roman Pontifical* are the real eyewitnesses. If Fr. Sanborn is interested in the truth, it is only a phone call away. It is, however, very troubling that a Catholic priest should continue to repeat this false account of what happened at the 1990 ordinations and which is contradicted by the fact that both Fr. Sanborn and Fr. Zapp joyfully accepted and celebrated the ordinations. I cannot imagine Fr. Sanborn deliberately lying about such a thing. But it is evident that when it comes to the question of justifying the Thuc consecrations, he is capable of a reckless disregard for the truth and a self-induced blindness. (See Paragraph 14 for more details about the 1990 ordinations.)

This reckless disregard for the truth is characteristic of the promoters of the Thuc consecrations. Fr. Dolan, for example, who is a Thuc bishop, in his attempt to destroy the reputation of Bishop Mendez, sent a forged confirmation certificate all over the country to prove his false statement that Bishop Mendez did confirmations in a *Novus Ordo* church shortly before the consecration. (See Appendix A: Document 18.) What this shows is that not only can we not trust what these priests write and say when it comes to Bishop Mendez' reputation and the Thuc bishops, we cannot even trust the documents they produce as evidence. (See Appendix A: Documents 17-19.)

## PARAGRAPH 23

**"For the moment I reserve judgment about this consecration. I want to see all of the evidence before making a definitive judgment for my own conscience. But I already know, that no matter what I finally think about it, whether there is sufficient evidence or not to prove its fact or validity, it is something that I do not want to get involved in."**

***"For the moment I reserve judgment about this consecration."***

In the twenty-third paragraph of his letter, after effectively destroying the reputation of Bishop Mendez in the eyes of many people and calling into question the validity of the consecration he performed, Fr. Sanborn says: "For the moment I reserve judgment about this consecration." Is he serious? Did he not read the first twenty-two paragraphs of his own letter? The last thing in the world he did in the course of twenty-two paragraphs was to "reserve judgment."

***"I want to see all of the evidence before making a definitive judgment for my own conscience."***

Here we have the reason that Fr. Sanborn says he wants to "reserve judgment about this consecration." The reason is that he does not have all the evidence to make "a definitive judgment for" his "conscience." In the course of twenty-two paragraphs Fr. Sanborn acted as prosecutor, judge, jury and executioner. The accused was charged, tried, convicted and executed. As he hangs dead upon the scaffold, the judge who sentenced him to death declares: "For the moment I reserve judgment about this consecration. I want to see all of the evidence before making a

definitive judgment for my own conscience." Before God and man, Fr. Sanborn has convicted himself out of his own mouth. He has condemned himself with his own words. For, he himself wrote not so very long ago:

To accuse a priest or bishop of being doubtfully or invalidly ordained or consecrated, *without sufficient reason* [emphasis in original], is objectively a mortal sin of injustice. This very fact was one of the principal motives for my resignation from the Society of Saint Pius V, namely that concerning this issue of the validity of the Thuc consecrations, a judgment was rendered without sufficient evidence.<sup>1</sup>

Fr. Sanborn is, of course, mistaken about the Thuc consecrations. There is now, as there was after his interviews with Dr. Hiller and Dr. Heller, *sufficient reason* to regard the Thuc consecrations as doubtful. But there is no longer any reason, real or imagined, to regard the consecration done by Bishop Mendez as unproven as to fact or doubtful as to validity. For the fact of the consecration, there is authentic documentary proof and compelling testimonial evidence. For the mental competence of Bishop Mendez, there is conclusive moral and legal proof. It is the exact opposite of the case we face with regard to the Thuc consecrations.

*"But I already know, that no matter what I finally think about it, whether there is sufficient evidence or not to prove its fact or validity, it is something that I do not want to get involved in."*

This last sentence reveals the true state of Fr. Sanborn's mind. After having tried to destroy the reputation of Bishop Mendez throughout the course of his letter and then telling us that he doesn't have "all of the evidence" and must, therefore, reserve judgment;

---

<sup>1</sup> Rev. Donald Sanborn, "Preface," *Sacerdotium III (Pars Verna MCMXII)*, p. 3.

now he says that he doesn't really care what the evidence will show because he has made up his mind:

. . . I already know, that no matter what I finally think about it, whether there is sufficient evidence or not to prove its fact or validity, it is something that I do not want to get involved in.

This is just one more indication of Fr. Sanborn's profound lack of objectivity. It is one more item demonstrating that in his assessment of Bishop Mendez and of the consecration he performed Fr. Sanborn is not guided by the norms of Canon Law and Moral Theology. He is guided by something else. And that something else is his desire: (1) to justify the imposition of a dubious Thuc bishop on the people he serves and on seminarians he would train for the priesthood and (2) to neutralize the opposition to such a destructive, scandalous and sacrilegious enterprise.

## CONCLUSION

### *The Thuc Consecrations Are What They Are*

The Thuc consecrations are what they are. They are unproved as to fact and doubtful as to validity. They are tainted with the scandals, the sacrileges and the non-Catholic “associations” of Archbishop Thuc. In Fr. Cekada’s words, we ask again of the Thuc bishops, in the light of what has been here presented:

Can we really take all this seriously and suppose that the “bishops” involved in such goings-on are the future of the Church?<sup>1</sup>

And in his words we answer:

Impossible. Even to refer to them as “traditional Catholic bishops” lends too much respectability to the whole business, which is, in this writer’s opinion, very disrespectful indeed.<sup>2</sup>

It was impossible in 1983 that the Thuc bishops were “the future of the Church.” It is impossible today. The Thuc consecrations are deeply immersed in the mire of doubt, scandal and sacrilege. The false statements, rash judgments, calumnies and forged document directed against Bishop Mendez do not change this basic fact. If anything they confirm it.

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<sup>1</sup> Rev. Anthony Cekada [Peregrinus], “Two Bishops In Every Garage,” *The Roman Catholic* V (January 1983), p. 16.

<sup>2</sup> *Ibid.*

Yet, God brings good from evil. The good, I believe, He will bring from Fr. Sanborn's letter, Fr. Cekada's *Notes*, and Fr. Dolan's forged document is the vindication of Bishop Mendez and of the consecration he performed together with an increasing realization, on the part of the faithful, that it is *impossible* that the Thuc bishops "are the future of the Church."<sup>3</sup>

The truth about Bishop Mendez, as we have demonstrated, is not to be found in Fr. Sanborn's April 1995 letter *about* him. It is to be found in his October 1990 letter *to* him, which was written with gratitude and kindness and in a priestly fashion. Bishop Mendez received it that way. He was pleased to receive it from Fr. Sanborn and happy to share it with me. With it we will end this defense of Bishop Mendez as we began it. For in three short paragraphs Fr. Sanborn tells the true story of Bishop Alfred F. Mendez and why we are so grateful to him.

October 2, 1990

*Your Excellency,*

*Thank you for ordaining to the holy priesthood Frs. Baumberger and Greenwell.*

*Their ordination not only will alleviate some of the burden upon us priests, but even more importantly, will give courage and enthusiasm to the lay people who are so lost in this crisis of the Church. I only wish there were more young men who could be ordained at this time.*

*May God bless you for this most courageous step for the preservation of our holy Catholic Faith in this age of modernism.*

*Sincerely yours in Christ,  
Fr. Sanborn*

---

<sup>3</sup> *Ibid.*

## **APPENDIX A: DOCUMENTS**

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The documents reproduced here have been reduced in size for considerations of space. Documents 2-5, 7 and 8 all bear the embossed seal of Bishop Mendez although the seal is not visible in these reproductions of the originals. The seal of Bishop Mendez contains his Coat of Arms which is displayed on the book cover.

1. "Si Diligis Me..." Statement of Bishop Mendez.

"SI DILIGIS ME..."

When I was called to Santo Domingo in 1960 by the Apostolic Delegate I was stunned when he told me the Pope had chosen me to be Bishop of Arecibo, Puerto Rico - first Bishop - a new Diocese. I asked permission to offer Mass before accepting.

It was the Si Diligis Mass: "Si diligis me...pasce agnos meos, pasce oves meas." Although the designate Mass of the Pope, the Pope is Bishop of Rome and spiritually shares the "fullness of the Priesthood" with all Bishops consecrated to that "fullness." I had gone direct to God with the problem and His first words were the direct answer: "Si diligis me..."

The fullness of the priesthood is an awesome responsibility. It conferred on the Bishop of Arecibo, as on the Bishop of Rome, the responsibility for priests and laity to "fidei integritate laetetur.... et in religionis integritate persistat."

And although I retired from Arecibo in 1974, I remain a Bishop, still responsible in my lifetime to do all in my power to feed the lambs and sheep, which means to secure for them the Sacraments of the Church. And in these days when the Holy Sacrifice of the Mass is being abandoned all over the world - Tolle Missam, Tolle Ecclesiam - I have secured, as far as possible, the Sacraments for the Faithful by the ordinations of two Society of St. Pius V priests for them on September 3, 1990, and, to continue the priesthood, the consecration of a Bishop for them on October 19, 1993.

+ Bishop Alfred F. Mendez

Alfred F. Mendez, C.S.C., D.D.  
Retired Bishop of Arecibo

Subscribed and Sworn to Before Me this
26 <sup>th</sup> day of NOVEMBER 1993
Billy J. Shahane
(Signature)
BILLY J. SHAHAN
(Print or type notary's name)
Notary Public in and for the State of
California, with commissions issued for the
County of SAN DIEGO



## 2. Letter of Consecration.

*LITTERÆ**CONSECRATIONIS*Nos ..... Alfredus F. Mendez.....FIDEM FACIMUS ET TESTAMUR, IN CONSECRATIONE HABITA IN SACELLO AUT IN ECCLESIA ..... p*rivata*.....SITO (A) Carlsbad (CA)... DIE ..... 19..... MENSIS Octobris..... ANNO 1993.....DILECTUM NOBIS IN CHRISTO DNUM ..... Clarentium Jacobum Kelly.....PRAEVIIS SPIRITALIBUS EXERITIIS AC PRAEVIO EXAMINE IDONEUM REPERTUM ET ADMISSUM, CUM CEREMONIIS  
ET SOLEMNITATIBUS NECESSARIIS ET OPPORTUNIS, JUXTA RITUM S.R.E. AD ..... Episcopatum.....TITULO ..... servitii ecclesiae..... PROMOVISSE.

IN QUORUM FIDEM, HAS LITTERAS, SIGILLO NOSTRO MUNITAS, EXPEDIRI JUSSIMUS.

DATUM ..... Carlsbad.....DIE ..... 20..... MENSIS Octobris..... ANNO 1993....*+ Alfred F. Mendez*

SIGILLUM

3. Attestation of Episcopal Consecration.

ATTESTATION OF EPISCOPAL CONSECRATION

I, Bishop Alfred F. Mendez, retired Bishop of Arecibo, profess and testify in truth, and before Almighty God, that I bestowed Episcopal Consecration on Father Clarence Kelly on the 19th day in the month of October in the year of Our Lord 1993 at Carlsbad, California, according to the traditional rites of the Roman Catholic Church.

+ Alfred F. Mendez D.D.

Bishop Alfred F. Mendez

*Retired Bishop of Arecibo, Puerto Rico*

Given at Carlsbad, California October, 20 1993

ATTESTATION OF WITNESSES

I, Rev. Martin Skierka, profess and testify before Almighty God that I was present at, and did witness, the Episcopal Consecration of Father Clarence Kelly on the 19th day of October in the year of Our Lord 1993. I further testify that Bishop Mendez consecrated Father Clarence Kelly according to the traditional rites of the Church; that he used the correct matter and form for the consecration of a bishop, the correct matter being the laying-on of both hands and the correct form consisting of the following words: "*Comple in Sacerdote tuo ministeri tui summam; et ornamenti totius glorificationis instructum, caelestis unguenti rore sanctifica.*"

Finally I profess and testify before Almighty God that Bishop Mendez did personally sign the above attestation in my presence.

Rev. Martin Skierka

Given at Carlsbad, California October 20, 1993

I, Rev. William W. Jenkins, profess and testify before Almighty God that I was present at, and did witness, the Episcopal Consecration of Father Clarence Kelly on the 19th day of October in the year of Our Lord 1993. I further testify that Bishop Alfred Mendez consecrated Father Clarence Kelly according to the traditional rites of the Church; that he used the correct matter and form for the consecration of a bishop; the correct matter being the laying-on of both hands and the correct form consisting of the following words: "*Comple in Sacerdote tuo ministeri tui summam; et ornamenti totius glorificationis instructum, caelestis unguenti rore sanctifica.*"

Finally I profess and testify before Almighty God that Bishop Mendez did personally sign the above attestation in my presence.

Rev. William W. Jenkins

Given at Carlsbad, California October 20, 1993

## DECLARATION OF EPISCOPAL CONSECRATION

I, Bishop Alfred F. Mendez, retired Bishop of Arecibo, declare, profess and testify in truth, before Almighty God, that I bestowed Episcopal Consecration on Father Clarence Kelly on October 19, 1993 at Carlsbad, California according to the traditional rites of the Roman Catholic Church.

+ Alfred F. Mendez  
Bishop Alfred F. Mendez  
*Retired Bishop of Arecibo, Puerto Rico*  
Given at Carlsbad, California November, 10 1993

### OATH OF WITNESSES

We the undersigned profess, testify and swear before Almighty God that Bishop Alfred Mendez did personally sign the above declaration in our presence.

Natalie E. White  
Chellie Jensen  
Pat P. Baumgardt  
Given at Carlsbad, California November, 10 1993

5. Fr. William Jenkins' and Fr. Martin Skierka's Attestations.

ATTESTATION OF EPISCOPAL CONSECRATION

I, Bishop Alfred F. Mendez, retired Bishop of Arecibo, profess and testify in truth, and before Almighty God, that I bestowed Episcopal Consecration on Father Clarence Kelly on the 19th day in the month of October in the year of Our Lord 1993 at Carlsbad, California, according to the traditional rites of the Roman Catholic Church.

+ Alfred F. Mendez D.D.

Bishop Alfred F. Mendez

Retired Bishop of Arecibo, Puerto Rico

Given at Carlsbad, California October, 20 1993

ATTESTATION OF WITNESSES

I, Rev. Martin Skierka, profess and testify before Almighty God that I was present at, and did witness, the Episcopal Consecration of Father Clarence Kelly on the 19th day of October in the year of Our Lord 1993. I further testify that Bishop Mendez consecrated Father Clarence Kelly according to the traditional rites of the Church; that he used the correct matter and form for the consecration of a bishop, the correct matter being the laying-on of both hands and the correct form consisting of the following words: "*Comple in Sacerdote tuo ministerii tui summam; et ornamenti totius glorificationis instructum, caelestis unguenti rore sanctifica.*"

Finally I profess and testify before Almighty God that Bishop Mendez did personally sign the above attestation in my presence.

Rev. Martin Skierka  
Given at Carlsbad, California October 20, 1993

I, Rev. William W. Jenkins, profess and testify before Almighty God that I was present at, and did witness, the Episcopal Consecration of Father Clarence Kelly on the 19th day of October in the year of Our Lord 1993. I further testify that Bishop Alfred Mendez consecrated Father Clarence Kelly according to the traditional rites of the Church; that he used the correct matter and form for the consecration of a bishop; the correct matter being the laying-on of both hands and the correct form consisting of the following words: "*Comple in Sacerdote tuo ministerii tui summam; et ornamenti totius glorificationis instructum, caelestis unguenti rore sanctifica.*"

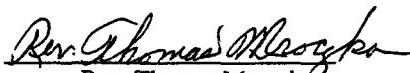
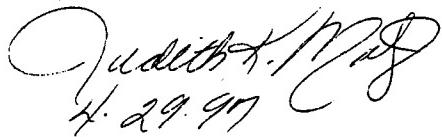
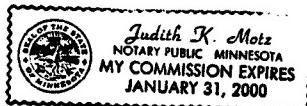
Finally I profess and testify before Almighty God that Bishop Mendez did personally sign the above attestation in my presence.

Rev. William W. Jenkins  
Given at Carlsbad, California October 20, 1993

## 6. Fr. Thomas Mroczka's Attestation.

## ATTESTATION OF REV. THOMAS MROCZKA

I, Rev. Thomas Mroczka, profess, testify and swear before Almighty God that: I was present at the Episcopal Consecration of Father Clarence J. Kelly on October 19, 1993 in the capacity of Assistant Priest to the consecrating bishop, Alfred F. Mendez; that Bishop Mendez consecrated Father Kelly, in his private chapel at Carlsbad, California, according to the traditional rites of the Catholic Church and that he used the correct matter and form of the Sacrament for the consecration of a bishop -- the correct matter being the laying-on of both hands and the correct form consisting of the following words: "*Comple in Sacerdote tuo ministerii tui summam; et ornamentis totius glorificationis instructum, caelestis unguenti rore sanctifica.*" I further profess, testify and swear before Almighty God that I did personally witness the laying-on of hands and that I followed along, word for word, as Bishop Mendez pronounced the above form clearly, distinctly, correctly and completely.

  
Rev. Thomas Mroczka  
4.29.97

## 7. Ordination Certificate of Fr. Joseph Greenwell.



# LITTERAE ORDINATIONIS

NOS.....Alfredus F. Mendez, DD. Episcopus Emeritus, Arecibensis.....

FIDEM FACIMUS ET TESTAMUR, IN ORDINATIONE HABITA IN SACELLO AUT IN ECCLESIA.....privata.....

SITO(A).....Cincinnatense.....DIE.....Tertia.....MENSIS.....Septembris.....ANNO.....1990.....

DILECTUM NOBIS IN CHRISTO DNUM.....Joseph Greenwell.....

PRAEVIIS SPIRITUALIBUS EXERCITIIS AC PRAEVIO EXAMINE IDONEUM REPERTUM ET ADMISSUM, CUM COEREMONIS ET

SOLEMNITATIBUS NECESSARIIS ET OPPORTUNIS, JUXTA RITUM S.R.E.A.....Presbyteratum.....

mensae communis.....TITULO.....PROMOVISSE.

IN QUORUM FIDEM, HAS LITTERAS, SIGILLO NOSTRO MUNTAS, EXPEDIRI JUSSIMUS.

DATUM.....Cincinnatense.....DIE.....Tertia.....MENSIS.....Sept..ANNO.....1990.....

SIGILLUM + Alfred F. Mendez, DD.  
Bishop Emeritus of Arecibo

## 8. Ordination Certificate of Fr. Paul Baumberger.

+

# LITTERAE      ORDINATIONIS

NOS.....Alfredus F. Mendez, DD Episcopus Emeritus, Arecibensis.....

FIDEM FACIMUS ET TESTAMUR, IN ORDINATIONE HABITA IN SACELLO AUT IN ECCLESIA ..... Privata

SITO(A).....Cincinnatense.....DIE.....Tertia.....MENSIS.....Septembris.....ANNO.....1990

DILECTUM NOBIS IN CHRISTO DNUM.....Paulum Baumberger.....

PRAEVIS SPIRITUALIBUS EXERCITIIS AC PRAEVIO EXAMINE IDONEUM REPERTUM ET ADMISSUM, CUM COEREMONIIS ET  
SOLEMNITATIBUS NECESSARIIS ET OPPORTUNIS, JUXTA RITUM S.R.E. AD..... Presbyteratum

mensae communis.....PROMOVISSE.

IN QUORUM FIDEM, HAS LITTERAS, SIGILLO NOSTRO MUNITAS, EXPEDIRI JUSSIMUS.

DATUM.....Cincinnatense.....DIE.....Tertia.....MENSIS.....Sept. ANNO.....1990

SIGILLUM + Alfred F. Mendez, D.D.  
Bishop Emeritus of Arecibo

9. Due to an editor's mistake, the wrong page of the Pontifical used by Bishop Alfred Mendez for the priestly ordinations of Fr. Baumberger and Fr. Greenwell was reproduced in the original appendix of *The Sacred and the Profane*. Below is a copy of the actual page of the Pontifical used in the ordination of the two priests. Note that the form is plural:  
 "... in hos famulos tuos."

56 De Ordinatione Presbyteri.

adjuvémenta largire; qui  
 quanto fragi-li-ó-res su-  
 mus, tanto his plú-ribus  
 indigémus. Da, qué-  
 sumus, omnípotens Pa-  
 ter, in hos famu-los tu-  
 os Presbytéri-i digni-  
 tá-tem; inno-va in vi-  
 scéribus e-ó-rum Spi-ri-  
 tum sancti-tá-tis; ut ac-  
 céptum a te De-us se-

cundi mé-ri-ti munus  
 obti-ne-ant, censurám-  
 que mo-rum ex-émplo  
 su-æ conversa-ti-ó-nis  
 insinu-ent. Sint próvi-  
 di co-o-pe-ratóres órdi-  
 nis nostri; elü-ce-at in  
 e-is to-ti-us forma ju-  
 sti-ti-æ, ut bonam ra-ti-ó-  
 nem dispensa-ti-ónis si-  
 bi créditæ redditú-ri,

10. Fr. Donald Sanborn's October 2, 1990,  
letter to Bishop Mendez.

ms. L. 2. 1990. f. 18v

Oct. 2 1990

Yours Excellency,

Thank you for ordaining to the holy priesthood Frs. Bonadies and Greenwell. Their ordination not only will alleviate some of the burden upon us priests, but even more importantly, will give courage and enthusiasm to the lay people who are so lost in this crisis of the Church. I only wish there were (over)

more young men who could be ordained at this time.

May God bless you for this most courageous step for the preservation of our holy Catholic Faith in this age of modernism.

Amenly yours in Christ,

Fr. Sanborn

11. Petition of the Holy Cross Fathers for dismissal of the suit  
challenging the will and trust of Bishop Mendez.

1 Stephen A. Bond, Esq. [State Bar No. 087941]  
2 DUCKOR & SPRADLING  
3 401 West "A" Street, Suite 2400  
San Diego, California 92101  
Telephone: (619) 231-3666

DET 2 4 11

5 Attorneys for CONGREGATION OF HOLY CROSS (aka Holy Cross Fathers) and for  
JAMES E. MCDONALD

6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF SAN DIEGO,  
9 NORTH COUNTY BRANCH

10

11 In the Matter of the Estate of ) Case No. PN020393  
12 ALFRED F. MENDEZ, )  
13 deceased ) WITHDRAWAL OF OBJECTIONS TO  
14 ) PROBATE OF PURPORTED WILL AND  
15 ) REQUEST FOR DISMISSAL WITH PREJUDICE  
16 ) OF WILL CONTEST AND PETITION SEEKING  
17 ) TRANSFER OF PERSONAL PROPERTY  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

CONGREGATION OF HOLY CROSS (also known as the "Holy Cross Fathers") and  
Reverend JAMES E. MCDONALD represent as follows:

1. ALFRED F. MENDEZ (hereinafter "Decedent") died in Cincinnati, Ohio on  
January 28, 1995. Decedent was at the time of his death a resident of San Diego County,  
California, and he left an estate to be administered in this county.  
2. Decedent died leaving a will dated March 21, 1989. By a petition filed  
herein on or about February 17, 1995, Reverend JAMES E. MCDONALD, as acting Provincial of the  
CONGREGATION OF HOLY CROSS, Indiana Province, requested that the March 21, 1989 will be  
admitted to Probate. Said petition is hereinafter referred to as the "Petition for Probate."  
3. On or about March 3, 1995, WILLIAM W. JENKINS filed herein a petition for  
admission to probate of a document dated December 6, 1994. On May 5, 1995,  
CONGREGATION OF HOLY CROSS filed its Objections to Probate of Purported Will, contesting the

1 admission to probate of the document dated December 6, 1994. Said objections are hereinafter  
2 referred to as the "Will Contest."

3       4. Also on May 5, 1995, CONGREGATION OF HOLY CROSS filed herein a  
4 Petition for Order Authorizing and Directing Transfer of Personal Property to Claimant. Said  
5 petition, which is hereinafter referred to as the "Section 9860 Petition," sought title to certain  
6 tangible personal property that was in the possession of Decedent as the time of his death.

7       5. CONGREGATION OF HOLY CROSS and its representative JAMES E.  
8 MCDONALD have determined that it is now appropriate to withdraw from any further active  
9 participation in the administration of the estate of the Decedent.

10           NOW, THEREFORE, CONGREGATION OF HOLY CROSS and JAMES E. MCDONALD  
11 hereby:

- 12           (a) Withdraw the Will Contest filed on May 5, 1995;  
13           (b) Request that the court dismiss with prejudice the Petition for Probate  
14 filed February 17, 1995; and  
15           (c) Request that the court dismiss with prejudice the Section 9860  
16 Petition filed on May 5, 1995.

17           This withdrawal of objections and request for dismissal with prejudice has been  
18 executed by the undersigned, as attorneys for CONGREGATION OF HOLY CROSS and JAMES E.  
19 MCDONALD, pursuant to their authorization and direction. This instrument is executed on this 18<sup>th</sup>  
20 day of October, 1995 at San Diego, California.

21  
22           DUCKOR & SPRADLING

23           By: Stephen A. Bond  
24           STEPHEN A. BOND, Attorneys for  
25 CONGREGATION OF HOLY CROSS and  
26 JAMES E. MCDONALD

## 12. Dr. Carl M. Bengs' Statement.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY
E. DAVID WININGER SBN 46170 ATTORNEY AT LAW 2910 JEFFERSON ST., STE -202 CARLSBAD, CA 92008		619/729-2311	
ATTORNEY FOR Plaintiff WILLIAM W. JENKINS			
NAME OF COURT: SUPERIOR COURT OF CALIFORNIA COUNTY			
STREET ADDRESS:	SAN DIEGO		
MAILING ADDRESS:	325 SOUTH MELROSE DRIVE		
CITY AND ZIP CODE:	VISTA, CA 92083		
BRANCH NAME:	NORTH COUNTY BRANCH		
X <del>PROFESSIONAL</del> ESTATE OF ALFRED F. MENDEZ X <del>PROFESSIONAL</del> aka ALFRED FRANCIS MENDEZ			
DECLARATION		CASE NUMBER:	PN 020393

March 15, 1995

Bishop Mendez was my patient since 1982. In October 1993 he was hospitalized from October 1 - 11 for pneumonia and respiratory failure. He was in intensive care most of this time and for some time not expected to live. However, he rallied and after his discharge slowly improved.

After leaving the hospital Bishop Mendez was seen in my office October 22 and 26 and during the following year and a half of his life was seen on a regular basis, i.e., 12/29/93; 2/1/94; 2/24/94; 4/13/94; 6/21/94; 7/21/94; 7/28/94; 8/16/94 (he was referred to Dr. Lucas Bonagura at this visit because of gastrointestinal problems); 9/19/94; 9/29/94; 11/3/94; 11/9/94; 11/22/94; 12/06/94. At all of these meetings with Alfred Mendez he was oriented and while weak physically was certainly competent mentally and with a good sense of humor when seen on 12/6/94.

*Carl M. Bengs, M.D.*

*1st  
cb.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

DR. CARL M. BENGS, M.D.

(TYPE OR PRINT NAME)

*Carl M. Bengs*

SIGNATURE OF DECLARANT

Petitioner/Plaintiff  Respondent/Defendant  Attorney  
 Other (Specify):

(See reverse for a form to be used if this declaration will be attached to another court form before filing)

13. Dr. Timothy Licherter's Statement.

**Fairfield Medical Group, Inc.**

741-B WESSEL DRIVE, FAIRFIELD, OHIO 45014

Family Practice  
829-2614

JAMES P. SIMCOE, M.D.  
CHRISTOPHER J. MEIER, M.D.  
WILLIAM J. MAUNTEL, M.D.  
TIMOTHY J. LICHTER, M.D.

February 23, 1995

Father William Jenkins  
3232 Montana Avenue  
Cincinnati, Ohio 45211

RE: Alfred Mendez

Dear Father Jenkins:

Alfred Mendez was first seen in my office on 1/20/95 for weight loss and jaundice. He was subsequently diagnosed 5 days later to have pancreatic carcinoma. At the time when I saw him on 1/20/95, the patient was coherent, alert, oriented, and had good long-term and short-term memory. It was my professional opinion at that time that the patient was able to make any and all decisions concerning his financial and physical well-being. There was no evidence of any difficulty with judgment or insight.

Sincerely,

*Lichter MD*  
Timothy J. Licherter, M.D.

*Sandra L. Schultheiss*

Sandra L. Schultheiss  
Notary Public, State of Ohio  
My Commission Expires Feb. 2, 2001

14. Mr. E. David Wininger's Statement.

E. DAVID WININGER

ATTORNEY AT LAW  
2910 JEFFERSON STREET, SUITE 202  
CARLSBAD, CALIFORNIA 92008

619/729-2311

June 28, 1996

Father William Jenkins  
Immaculate Conception Church  
4510 Floral Avenue  
Harwood, OH 45212

Re: Bishop Alfred F. Mendez

Dear Father Jenkins:

I was contacted in early 1994, by Bishop Alfred F. Mendez who requested my assistance with respect to modification of a trust which he had previously signed and the preparation of a will. On various occasions throughout 1994, I met with Bishop Mendez regarding these and other matters.

On February 18, 1994, he signed an amendment to his trust and on April 8, 1994, he signed a further amendment to his trust. On December 6, 1994, he signed a will. All of these documents were prepared in accordance with his instructions and signed in my presence.

In my professional opinion, on all occasions when I met with Bishop Mendez, he was competent to discuss his financial matters, competent to enter into trust agreements and competent to sign wills.

Very truly yours,



E. David Wininger

EDW/sa

15. Affidavit of Fr. Zapp's parishioners.

**SWORN AFFIDAVIT**

We, the undersigned, do hereby recite the following facts and attest and swear to both their accuracy and veracity.

While attending Sunday Mass at Blessed Sacrament Chapel in Martinez, California in 1990, Father Thomas Zapp announced from the pulpit that a retired Catholic Bishop had very recently ordained to the priesthood *Paul Baumberger* and *Joseph Greenwell*.

Father Zapp related how all were very pleased and thankful to Almighty God for providing this bishop to assist us by ordaining these two men to the priesthood. Father Zapp was also pleased to announce that this bishop was himself consecrated by the late *Francis Cardinal Spellman*.

Father Zapp related other pieces of information regarding the ordinations and we recall the obvious positive and joyful tone of the announcement.

We swear before Almighty God and declare under penalty of perjury the preceding to be both true and accurate.

Peter J. Wick  
Peter J. Wick,  
Pacheco, California

Date: 8/11/96

Peggy W. Mitchell  
Mrs. Peggy W. Mitchell,  
Napa, California

Date: 8/11/96

Sara S. Uribe  
Mrs. Sara S. Uribe,  
Marysville, California

Date: 8/10/96

16. Mr. Patrick J. Mullen's Affidavit.

+  
A.M.D.G.

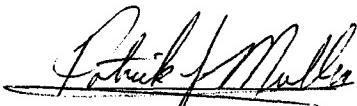
**SWORN AFFIDAVIT**

I, the undersigned, **Patrick J. Mullen**, residing in Pittsburg, California, do this 13th day of August, 1996 hereby recite the following facts and attest and swear to both their accuracy and veracity.

Closely, following the ordinations of Fathers *Paul Baumberger* and *Joseph Greenwell* in 1990, Father Thomas Zapp announced to the congregation assembled for the 8:30 a.m. Mass at Blessed Sacrament Chapel in Martinez, California, that a retired Catholic Bishop had ordained to the priesthood *Paul Baumberger* and *Joseph Greenwell*. Father Zapp further announced how all were pleased with this wonderful event and he related the Episcopal lineage of this retired bishop by stating that he was himself consecrated by the late *Francis Cardinal Spellman*. Father Zapp then said that this was a *true* bishop who was not *tainted* in any way and who, "DIDN'T COME OUT OF THE WOODWORK LIKE THE THUC BISHOPS."

Father Zapp concluded the announcement by saying that all should be thankful to God for providing this bishop in our time of need. I was present in the sanctuary that Sunday morning since I was serving Mass together with Peter Wick, then residing in Martinez, California.

I swear before Almighty God and declare under penalty of perjury the preceding to be both true and accurate.



Patrick J. Mullen

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

No. 5907

State of CALIFORNIACounty of CONTRA COSTAOn 8/13/96 before me,

DATE

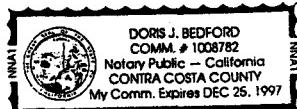
Doris J. BEDFORD

NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared PATRICK J. MULLEN

NAME(S) OF SIGNER(S)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

SIGNATURE OF NOTARY

**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

**CAPACITY CLAIMED BY SIGNER**

- INDIVIDUAL  
 CORPORATE OFFICER

TITLE(S)

- PARTNER(S)       LIMITED  
 ATTORNEY-IN-FACT       GENERAL  
 TRUSTEE(S)  
 GUARDIAN/CONSERVATOR  
 OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)**DESCRIPTION OF ATTACHED DOCUMENT**SWORN AFFIDAVIT

TITLE OR TYPE OF DOCUMENT

1

NUMBER OF PAGES

8/13/96

DATE OF DOCUMENT

WONG

SIGNER(S) OTHER THAN NAMED ABOVE

17. True copy of May 7, 1993, Confirmation Certificate.

*Confirmation Certificate*

*According to the Rite of the Roman Catholic Church*

Robert Edward Dymek

*was sealed with the Gift of the Holy Spirit*

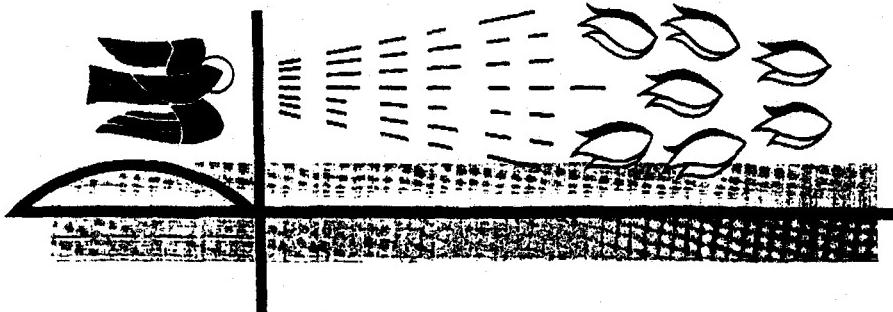
*on the seventh day of May, 1993*

*at St. Charles Meredith, NH*

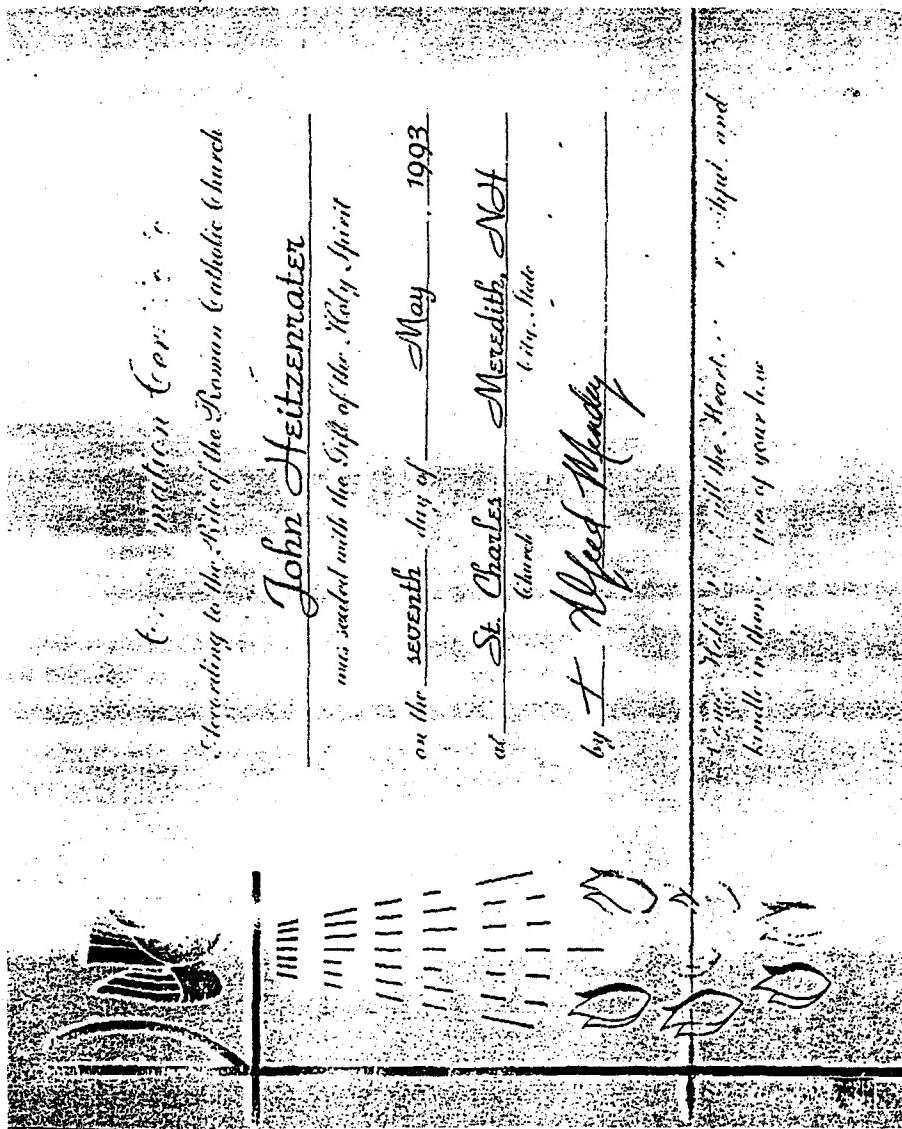
*Church City, State*

*by + Bishop William Gomes*

*Come, Holy Spirit, fill the hearts of your faithful; and  
kindle in them the fire of your love.*



## 18. Forged copy of May 7, 1993, Confirmation Certificate.



19. Bishop Mendez' Signature Comparison.

COMPARE THE SIGNATURES

Alfred F. Mendez, c.s.c.  
Priest Witness

(sacramental document of 9/11/53)

+ Alfred F. Mendez, c.s.c.  
Alfred F. Mendez, C.S.C.  
(legal document of 6/17/77)

+ Alfred F. Mendez  
Most Rev. Alfred F. Mendez,  
(correspondence of 3/2/85)

+ Alfred F. Mendez, c.s.c.  
Most Rev. Alfred F. Mendez, C.S.C.  
(correspondence of 11/9/87)

+ Alfred F. Mendez  
(legal document of 10/29/88)

+ Alfred F. Mendez, c.s.c.  
Alfred F. Mendez, C.S.C.  
(correspondence of 5/8/90)

+ Alfred F. Mendez  
Alfred F. Mendez  
(legal document of 7/9/90)

+ Alfred F. Mendez, s.s.  
Bishop Emeritus of Jacobs  
(sacramental document of 9/3/90)

+ Alfred F. Mendez  
Alfred F. Mendez, C.S.C. D.D.  
(correspondence of 1/10/93)

+ Alfred F. Mendez  
(correspondence of 7/1/93)

+ Alfred F. Mendez  
(sacramental document of 10/20/93)

+ Alfred F. Mendez  
(correspondence of 7/9/94)

Alfred F. Mendez  
(signature as it appears on  
the forged document provided by Father Dolan  
allegedly signed on 5/7/93)

## APPENDIX B:

### ‘Two Bishops in Every Garage’

by  
Peregrinus (Rev. Anthony Cekada)

*There are a number of men who have appeared claiming to be ‘traditional Catholic bishops.’ Peregrinus investigates.*

The place is the Hofbrau Restaurant near Dickinson, Texas; the time, July, 1977, shortly before Archbishop Lefebvre dedicated Queen of Angels Church. Three priests of the Society of Saint Pius X are eating dinner and discussing the upcoming ceremony. A man in lay clothes – apparently the restaurant manager – appears at the table and asks how they are enjoying the food. The priests comment favorably on the meal.

“Are you Catholic priests?” the man asks.

“Yes, we are,” says one.

“So am I,” he replies and tells them his name: George Musey...

\*\*\*\*\*

The place is a chapel in Acapulco, Mexico; the date, April 1, 1982. The long ceremony is over. Father George Musey, now wearing a bishop’s miter and carrying a crosier, processes through the chapel blessing the laity with the threefold Sign of the Cross ...

\*\*\*\*\*

Over the past few months, Catholics have been hearing rumors about "traditional Catholic bishops"<sup>1</sup> operating in the United States and elsewhere. The activities of these men have stirred up no little controversy in traditional Catholic circles: a number of independent Mass centers and one national organization have experienced divisions over them; tracts and articles, both pro and con, have appeared; and many of the laity seem genuinely confused.

Here *The Roman Catholic* hopes to present the background to this phenomenon for the benefit of its readers, and for those priests and laity who have become involved with these men, perhaps without knowing the full story. For the most part, traditional Catholics are sensible people, and we hope this article will serve as the proverbial "word to the wise."

#### MGR. NGO-DINH-THUC

The story begins with Mgr. Pierre Martin Ngo-dinh-Thuc, who was born in Vietnam on October 6, 1897. His family was Catholic, and one of his brothers, Ngo-dinh-Diem, became the President of South Vietnam. Ngo-dinh-Thuc entered the seminary, obtained doctorates in canon law, theology and philosophy in Rome, and was ordained to the priesthood on December 20, 1925. He taught for a while at the Sorbonne, and returned to Hue in 1927, where he taught in the major seminary and in the College of Divine Providence. He was appointed Apostolic Vicar at Vinh-long, and on May 4, 1938, was consecrated a bishop and named Titular Bishop of Sesina. At Vinh-long, he organized the diocese, as well as devoting some of his time to the University of Dalat.

Author Hilaire du Berrier notes that in 1955, the see of Saigon became vacant, and Mgr. Ngo's brother Diem, then a powerful force in Vietnamese politics, attempted to secure the appointment for him:

Diem's next move was to request the robe of a cardinal for his brother. The importance of Rome's

<sup>1</sup> The reason quotation marks have been used around this particular phrase is explained at the end of the article.

reaction to that request was highlighted by *France-Soir* of October 26, two days after the rigged plebescite: "The only shadow on the scene for Mr. Diem is paradoxically the attitude of the Vatican. The Vatican has just named as Bishop of Saigon, not the candidate of Mr. Diem, who is his own brother Mgr. Thuc, but an unknown priest named Hien..."

Diem protested. Monsignor Thuc boarded a plane for Rome. *France-Soir* of December 29, 1955, told how, pending the outcome of Thuc's direct appeal to the Vatican to annul the Hien appointment, the papal order naming Hien apostolic vicar of Saigon was held up by Diem's postal authorities, its seal broken, and the papal order photocopied. "The Vatican maintained its decision," wrote *France-Soir*, "and Vietnamese censors suppressed the announcement of Hien's elevation for several weeks, until priests announced the news from their pulpits and Hien himself used the word excommunication in regard to Diem."<sup>2</sup>

Later in his book, Mr. du Berrier describes the activities of Mgr. Ngo after his brother's efforts failed:

Archbishop Thuc... recovered from his disappointment at not being given the Saigon diocese and plunged into business with gusto, buying apartment houses, stores, rubber estates and timber concessions. When Thuc set his eyes on a piece of real estate, other bidders prudently dropped out... Soldiers, instead of building defenses, were put to work cutting wood for brother Thuc to sell. Army trucks and labor were requisitioned to build buildings for him. A Saigon merchant observed,

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<sup>2</sup> Hilaire du Berrier, *Background to Betrayal, The Tragedy of Vietnam*, (Belmont, Mass: Western Islands, 1965), pp. 127-128.

"As a brother of Diem, his (Mgr. Ngo's) requests for donations read like tax notices." <sup>3</sup>

### "PAPAL AMBITIONS"

Mr. du Berrier quotes an interesting article by Georges Menant in *Paris Match* (November 23, 1963) which tells of how power was divided in the Ngo family and of what were said to be Mgr. Ngo's ambitions in the Church:

"To Diem went the power," wrote Monsieur Menant, "to Nhu the police, to his wife the corruption and the deals, to Luyen diplomacy and Can the traffic in rice. Religion was the domain of Thuc, the Archbishop, with his vast land holdings and personal residences surrounded by anti-aircraft batteries. But the Cardinal's hat was not the extent of Thuc's ambition. Monsignor Thuc intended to become Pope. Nothing less.

"It is the custom of the Vatican to choose the Supreme Pontiff from among the prelates of a country where the Catholic majority is absolute. That is why Diem published official statistics pretending that Vietnam was 70 percent Catholic, 20 percent Buddhist and 10 percent diverse sects. The claim might have continued had an apostolic delegation not arrived on the scene in the midst of a Buddhist celebration, and had said delegate not observed that, in his opinion, considering the Buddhist orriflammes along the route, the 70 percent figure should apply to the faithful of the pagodas. Diem was furious..." <sup>4</sup>

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<sup>3</sup> *Ibid.*, p. 147.

<sup>4</sup> *Ibid.*, pp. 243-244.

Mgr. Ngo's papal ambitions aside, on November 24, 1960, he was named Archbishop of Hue, the former imperial capital of Vietnam.

In 1963, while he was in Rome at the Second Vatican Council, his brothers – President Diem, Nhu and Can – were assassinated in a coup d'état. He later said that his presence at the Council probably saved his life. An autobiographical account of his life recently appeared<sup>5</sup> and it is obvious how deeply the sad turn of events affected him.

After the Council, he wanted to return to his See, but the new South Vietnamese government refused him permission – apparently with the approval of the Vatican. In his recent autobiography, he describes what followed:

I waited for a few months and appealed to the Holy Father. I do not know what the Holy Father Paul VI did, but he took advantage of the impossibility of my return to my Archepiscopal See of Hue to ask for my resignation and to name in my place his favorite, Mgr. Dien.<sup>6</sup>

He was given the honorary title of Titular Archbishop of Bulla Regia on March 29, 1968, but for the most part was treated as an outcast by the Vatican. Access to his timber concessions and rubber plantations was cut off and he became an exile reduced to near destitution. He spent some time at the Cistercian Abbey of Casamari near Rome, and eventually went to work as an assistant pastor in the small village of Arpino, where he said Mass, heard confessions and engaged in catechetical work.

Shortly before Christmas, 1975, a priest appeared unannounced in Arpino. Mgr. Ngo recounts his words:

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<sup>5</sup> "Autobiographie de Mgr. Pierre Martin Ngo-dinh-Thuc," *Einsicht*, French ed., (Aug., 1982), pp. 7-86.

<sup>6</sup> *Ibid.* p. 79.

"Your Excellency [the priest said], the Holy Virgin sent me to bring you to Spain at once to render her a service. My car awaits you at the door of the rectory, and we shall depart at once to be there for Christmas." Flabbergasted by this invitation, I said to him: "If it is a service requested by the Blessed Virgin, I'm ready to follow you to the ends of the earth..."<sup>7</sup>

### THE PALMAR FIASCO

The three-day journey by car took Mgr. Ngo to Palmar de Troya, a Spanish village 25 miles south of Seville. In 1968, tales of apparitions there began to circulate. Among the early enthusiasts was a young man named Clemente Dominguez Gomez who organized devotions and set up a shrine in the little town. Soon he declared that he had received the stigmata – not from God, but from Padre Pio. He began spreading the "messages" he received from the apparitions which were coming at the rate of two or three a week. Believers received celestial bulletins on everything from the condition of Paul VI (a "Prisoner of the Vatican" who had been "replaced by a double") to the color of socks adherents were to wear. Mr. Dominguez even received messages as to when to cut off his beard.

When Mgr. Ngo appeared in Palmar, Mr. Dominguez asked the prelate to ordain himself and several other laymen to the priesthood, and then to consecrate him and a few others bishops. If Mgr. Ngo had any doubts, they were dispelled after Dominguez gave him the news that Paul VI had appeared to him by means of "bilocation" to give his approval to the project.<sup>8</sup>

Pause for a moment to consider what Mr. Dominguez was saying: both the Blessed Virgin and Paul VI (by "bilocation") were telling a Catholic bishop that he should ordain laymen to the priesthood (whom he had just met, and who had done no ecclesiastical studies) and then consecrate them bishops – all in three weeks time. Where anyone else would have laughed the

<sup>7</sup> *Ibid.*, p. 85.

<sup>8</sup> Mary Martinez, "Strange Events at Palmar de Troya," *The Wanderer*, (ca. mid-1976).

proposal off as absurd, Mgr. Ngo showed a truly colossal lack of common sense and agreed.

On the night of December 31-January 1, the 78-year-old prelate ordained five laymen, Clemente Dominguez, Manuel Alonso, Louis Moulins, Francis Fox and Paul Fox, to the priesthood. On January 11, 1976, Mgr. Ngo consecrated Dominguez and Alonso bishops, along with three other priests. It is said that the ceremony was conducted in a highly irregular fashion – i.e., that the consecration was performed without Mass, a violation of the rubrics in the *Roman Pontifical*.

*Einsicht*, a German magazine which supports Mgr. Ngo, recently stated:

Mgr. Thuc consecrated the first five bishops (of Palmar) after mature consideration, to secure the continuance of the Catholic Church. Already then, as also today, Mgr. Thuc has given an explicit declaration. The periodical *Einsicht* has at that time already vividly [sic] welcomed these consecrations. The attitude of Mgr. Thuc deserves not only no reproach, but is highly praiseworthy! ... In no way can he be reprimanded for the consecrations of Palmar.<sup>9</sup>

In light of the facts, no commentary on the foregoing text is needed.

Two weeks later, the 28-year-old Dominguez consecrated three bishops himself. "And this is only the beginning," he boasted to a reporter. "We are going ahead ordaining priests and consecrating bishops to spread the work of Palmar everywhere."<sup>10</sup> He was true to his word. There are now hundreds of Palmar "bishops" – Dominguez even consecrated a 16-year-old boy. After the death of Paul VI (August 6, 1978), Dominguez (who had lost his eyes in an auto accident on May 29, 1976) declared himself Pope.

<sup>9</sup>Dr. Kurt Hiller, "The Case 'Barbara,'" *Einsicht*, English ed. (Aug., 1982), p. 26.

<sup>10</sup>Martinez, *op. cit.*

On January 13, 1976, Mgr. Ngo issued a statement defending his actions in which he asserted:

We are returned to Apostolic times in that the first Apostles went about preaching and ordaining without referring back to the first Pope, Saint Peter.<sup>11</sup>

It is possible he had forgotten about Paul VI's miraculous "bilocation."

Mgr. Ngo then experienced a change of heart over what he had set in motion. On September 7, 1976, he arrived in Rome to make his peace with the Vatican.<sup>12</sup> The Vatican newspaper, *L'Osservatore Romano*, gives an account of the result of his visit:

The Prelate, as soon as he had realized the gravity of the facts, deplored and repudiated what he had done, and sought to impede further abuses. He then humbly placed himself at the disposition of the ecclesiastical authority. For this purpose, he hastened to request from the Holy Father absolution of the excommunication he incurred ... he asked pardon "for the great scandal given to the faithful and for the immense harm caused to the Church by placing in danger its unity." At the same time, he wrote to Clemente Dominguez Gomez ... and exhorted him in Our Lord's name to follow his own example on the path of penance to obtain absolution, warning him at the same time not to proceed to any further ordinations, "in order not to lacerate the Mystical Body of Christ."<sup>13</sup>

<sup>11</sup> Cited in "Palmar de Troya, Light of the World," pamphlet, (n.d.), p. 3.

<sup>12</sup> Alfred Denoyelle, "Comment les Catholiques sont trompés," *Mysterium Fidei*, supplement to no. 57, (Mar., 1982), p. 3.

<sup>13</sup> "Commentary on the Decree Concerning Unlawful Ordinations," *L'Osservatore Romano*, English ed., Oct. 7, 1976, p. 5.

### "OLD CATHOLIC" CONNECTIONS

However, his change of heart was short-lived. Mgr. Ngo soon moved to Toulon, France. There, in 1979, he raised to the episcopate (for the "umpteenth time") Jean Laborie, leader of a schismatic "Old Catholic" sect, the "Latin Church of Toulouse."<sup>14</sup> He also ordained another "Old Catholic" from Marseilles named Garcia,<sup>15</sup> and a certain ex-convict named Arbinet<sup>16</sup> who went on later to become a Palmar "bishop."

Nor were Mgr. Ngo's activities limited to the consecration and ordination of schismatics. A French newsletter which supports him states that on Holy Thursday, April 15, 1981, he concelebrated the New Mass with Mgr. Barthe, the bishop of Toulon. The author explains:

He said it was because on that day he could not celebrate alone... It happens that it was a false concelebration, because he said he didn't receive communion. For, when a priest does not communicate, there is not a Mass.<sup>17</sup>

Mgr. Ngo's justification for his action by maintaining that he only simulated the celebration of Mass – simulation of a sacrament, incidentally, is a grave sin – does not increase our confidence in his grasp of sacramental theology.

### FATHER GUERARD

At this point, a French Dominican, Father M. L. Guérard des Lauriers, OP, enters the story. Father Guérard in his day had enjoyed a fairly good reputation as a theologian and philosopher – he played an important role in the writing of the *Ottaviani Intervention*. In fact, he served as a visiting professor at Archbishop Lefebvre's

<sup>14</sup> Rev. Noel Barbara, "Surencore Schismatique: Thuc en Baviere," *Forts dans la Foi*, supplement to no. 9, n.s., (1st trimester, 1982), p. 2.

<sup>15</sup> Denoyelle, *op. cit.*, p. 3.

<sup>16</sup> *Ibid.*

<sup>17</sup> Rene Rouchette, "Mise au point au sujet du sacre de Mgr. Guérard des Lauriers," *Lettres non-conformistes*, no. 28, (Apr., 1982), p. 5.

seminary in Ecône, Switzerland, where he taught the tracts on Mariology and the Last Things. His last academic year there was 1976-77.

After his sojourn at Ecône, Father Guérard produced a number of studies (unknown in this country) on a theological question hotly debated in some traditional Catholic circles – whether John Paul II is truly a pope (who is ruling unjustly, and therefore must be resisted) or whether he is a manifest heretic (who would be incapable of holding the office, and therefore no pope at all.) Father Guérard opted for the latter opinion – after a fashion. Normally, one would have expected him to line up John Paul's pronouncements on one side and the teachings of the Magisterium on the other, argue that the former are heretical in light of the latter, and demonstrate from the teachings of the canonists that heresy renders a person incapable of holding the office.

Father Guérard, however, wandered off into the dense underbrush of obscure philosophical speculation, and after hundreds of pages<sup>18</sup> emerged with the conclusion that John Paul II is the pope "materially, but not formally." The limitations of space make it impossible either to recap his arguments or to explain in any great detail what his conclusion means – save to say that, in his opinion, John Paul II is the pope in one sense, and in another sense is not.<sup>19</sup>

As regards the New Mass, it is Father Guérard's opinion that it is invalid in itself,<sup>20</sup> yet on May 7, 1981, Mgr. Ngo – three weeks after he had publicly concelebrated the New Mass – consecrated Father Guérard a bishop in a small room in a house in Toulon.<sup>21</sup> Six French priests, who had been ardent supporters of Father Guérard's theories and closely involved in the publication of his magazine, disassociated themselves from him.

<sup>18</sup> The studies were printed in Father Guérard's magazine, *Cahiers de Cassiciacum*, in 1979 and 1980.

<sup>19</sup> An explanation of this distinction is offered by Father Bernard Lucien, "Note sur la Distinction 'Materialiter-Formaliter,'" *Cahiers*, (Nov., 1979), pp. 83-86.

<sup>20</sup> "Invalid," meaning that the sacrament is not conferred. Unfortunately, in common use, "valid" has been reduced to meaning simply "good" and "invalid" has been reduced to meaning simply "bad."

<sup>21</sup> *Einsicht*, German ed., (Mar., 1982), p. 14.

### "EASILY INFLUENCED"

Mgr. Ngo's actions from 1975 onward do not inspire a great deal of confidence in his judgment or in his prudence: the Palmar affair, the promises made and promises broken to the Vatican, the involvement with "Old Catholics," concelebrating the New Mass while claiming he really wasn't, then consecrating someone who believes the New Mass is invalid. While everyone is entitled to a few mistakes, one is forced to say that those made by Mgr. Ngo were very grave indeed – objectively, they were inexcusable, especially for a bishop with great pastoral experience and a brilliant academic background in theology, philosophy and canon law.

But subjectively, is there an explanation? A newsletter which supports Mgr. Ngo describes him as a "timid Asiatic who was easily influenced," and continues:

Once again, realize the fact that Mgr. Ngo, physically and psychologically worn out, ... only wants peace and quiet ... It should be noted that this prelate has acquired some complexes, and that age doesn't help things.<sup>22</sup>

Again, it is good to recall that his brothers were murdered, his country was taken over by the Communists, his episcopal see and vast financial holdings were taken away from him, he was reduced to poverty, and he was treated as an outcast by the Vatican. Mgr. Lefebvre, who knew Mgr. Ngo, observed that he never recovered from the death of his brothers. Perhaps all this, combined with Mgr. Ngo's advanced age, provides us with some sort of an explanation for his behavior; perhaps, as well, after years of rejection, he simply wanted to be accepted by someone and live out his days in peace.

### **A HOME WITH EINSICHT**

At some point, either prior to or immediately following the consecration of Father Guérard, Mgr. Ngo threw his lot in with –

<sup>22</sup> Rouchette, *loc. cit.*

or, perhaps, fell under the influence of – yet another organization which had need of his episcopal ministrations. A group of Catholics in Munich, Germany, called “The Circle of Friends of the Ave Maria Group of Una Voce” had for some years been sponsoring a few Mass centers, in addition to a magazine called *Einsicht* (Insight). It will be easier to refer to this organization by the name of its publication.

*Einsicht* promoted the rather abstruse teachings of Father Guérard in Germany through its publications. It took Mgr. Ngo under its wing, and, presumably, provided him with some sort of material support.

### A MEXICAN CONNECTION

On October 17, 1981, Mgr. Ngo performed the ceremony of episcopal consecration once again, this time for two Mexican priests, Father Moises Carmona Rivera and Father Adolfo Zamora Hernandez.<sup>23</sup> The documents presently available do not show the genesis of this episode. However, in a May 16, 1982, letter to Mr. Alvaro Ramirez, Father Carmona writes:

The episcopacy was offered to me. I had to think about it in order for me to decide, [sic] and if at the end I decided, it was only for the interest that I have to cooperate in something [sic] in the rescue and triumph of the Church.<sup>24</sup>

One can only speculate as to how this “offer” was made. Was it Mgr. Ngo or the people at *Einsicht* who “offered” episcopal consecration to Fathers Carmona and Zamora? Was there a general “offer” made to all traditional priests? Is there a mailing list available somewhere which provides the names of priests interested in such “offers”? Or did Fathers Carmona and Zamora simply drop Mgr. Ngo a note, ask if he would agree, and head for Toulon with freshly-bought miters in tow?

<sup>23</sup> *Einsicht*, loc. cit.

<sup>24</sup> “A Roman Catholic Bishop Speaks,” *The Seraph*, vol. II, no. 7, (n.d.), inside front cover.

In this writer's opinion, the last explanation seems the most likely one, given Mgr. Ngo's track record. The prelate seems to be rather quick to make bishops – the Palmar affair comes to mind – and not particularly fussy. In light of this, one suspects that any priest to show up on Mgr. Ngo's doorstep could get himself consecrated with very little difficulty and few questions asked. In an age of instant coffee, there are now "instant bishops."

The ceremony was held in Toulon, France, in what from the photos appears to be a room in a private home. Father Carmona writes that it was performed "without witnesses, but two illustrious doctors."<sup>25</sup> He does not say whether these "two illustrious doctors" know the ins and outs of the fearfully complex Rite of Episcopal Consecration found in the *Roman Pontifical*, and whether they can attest that Mgr. Ngo did not substantially alter the rite. The question is a disturbing one – further research would be needed to ascertain what theologians and canonists consider sufficient evidence for validity in such a case. Under such rather extraordinary circumstances, however, it seems that the burden of proof for the validity of the consecrations must be placed upon those directly involved.

### TWO "DECLARATIONS"

On December 19, 1981, Mgr. Ngo issued a "Declaration about Palmar," which reads in its entirety as follows (the translation is *Einsicht*'s):

I testify to have done the ordinations of Palmar in complete lucidity. I don't have anymore relations with Palmar after their chief nominated himself pope. I disapprove of all that they are doing. The declaration of Paul VI has been made without me; I heard of it only afterwards. Given the 19.XII. 1981 at Toulon in complete possession of all my faculties.<sup>26</sup>

<sup>25</sup> *Ibid.*

<sup>26</sup> In *Einsicht*, German ed., (Mar., 1982), p. 13.

This raises several questions: What was the relationship between Mgr. Ngo and Palmar during the two-year period which preceded Dominguez's self-proclamation as pope? What declaration of Paul VI is he referring to, and what did it say? What made it necessary to assure the faithful that he is in "complete possession of his faculties"?

On February 25, 1982, there appeared another "Declaration" over Mgr. Ngo's signature. It states that Mgr. Ngo "declares the See of Rome being [sic] vacant."<sup>27</sup> The Latin this document is written in is extremely crude<sup>28</sup> – hardly what one would expect from someone who holds a Roman doctorate in canon law – and the material which precedes the conclusion does not really make an awful lot of sense. *Einsicht* informs its readers that they have a hand-written copy of the "Declaration."<sup>29</sup> It would be bad enough if a layman – unschooled in theology, logic and Latin grammar, say – had written this "Declaration" and put it before Mgr. Ngo for his signature. It would be truly appalling if Mgr. Ngo had written it himself.

Be that as it may, on March 21, 1982, Mgr. Ngo read this "Declaration" publicly during a Pontifical High Mass in Munich. The same issue of *Einsicht* which contains photos of Mgr. Ngo reading this document also contains his autobiography in which he refers to Paul VI as "le St-Pere" – the Holy Father – a rather surprising turn of a phrase, given the thrust of his "Declaration."<sup>30</sup>

### SOUTH OF THE BORDER

Meanwhile, the two Mexican priests consecrated by Mgr. Ngo returned home, one to Mexico City and the other to Acapulco.

As one would expect, no time was wasted in making more "traditional Catholic bishops" for Mexico. On June 18, 1982, Father Carmona performed the rite of episcopal consecration for

<sup>27</sup> "Declaratio...," *Einsicht*, German ed., (Mar., 1982), p. 7.

<sup>28</sup> A friend who holds a doctorate in classical languages said the document looks like exercise sentences from a first-year Latin grammar.

<sup>29</sup> *Einsicht*, German ed., (Mar., 1982), p. 13.

<sup>30</sup> "Autobiographie..." *Einsicht*, French ed., (Aug., 1982), pp. 78, 79.

Fathers Benigno Bravo Valdez and Jose de Jesus Roberto Martinez y Gutierrez.<sup>31</sup> Both men signed documents accepting Mgr. Ngo as their "legitimate superior," promised him "obedience and fidelity," and vowed not to perform any "consecrations or ordinations" without his permission.<sup>32</sup> Thus, the Mexican clergy seem to have placed Mgr. Ngo in a "quasi-papal" category – without all the fuss of gathering statistics on Catholics and Buddhists.

One traditional priest in Mexico with decades of missionary experience met one of these Mexican clergymen. In a recent letter to a priest who supported their actions, he alleged:

I spoke with one of the Mexican would-be bishops and was impressed by his ignorance and his behaviour, by which he seemed more to be a poor little ranch pastor than a bishop. Your argument that the Apostles were likewise people without much culture is worthless; they passed three years in the school of Our Lord Himself.

On April 1, 1982, Father Carmona signed an 85-word Latin document attesting that he performed the Rite of Episcopal Consecration for Father George Musey. A friend of ours who holds a doctorate in classical languages claims it contains at least a dozen grammatical errors.<sup>33</sup> (Father Musey is described as being

<sup>31</sup> "Bishop-Consecration [sic] of H.E. Mgr. Benigno Bravo..." etc., *Einsicht*, English ed., (Aug., 1982), p. 5.

<sup>32</sup> "Juramento de conservar la unidad de la Iglesia," *Einsicht*, English ed., (Aug., 1982), pp. 8, 9.

<sup>33</sup> The text is as follows:

"Nos Moyses Carmona et Rivera, Ecclesiae Unae, Santaes, Catholicae et Apostolicae Romanae Episcopus, notum facere omnibus:

"dia 1/a. mensis aprilis anni 1982, coram pluribus fidelibus qui in templo expiatorio Divinae Providentiae (in Acapulco Gro. Mexico) aderant, cum Excmus Dominus, Episcopus Adolfo Zamora et Rvdus Pater Benigno Bravo adint, praeterea unico fine gloriam Dei et animarum salvationem procurandi impulsus, dignitatem episcopalem Ecclesiae Catholicae Rvdo. Patri George Musey, nationalitate norteamericana, nos contulisse, cum omnibus juribus ad hanc dignitatem pertinentibus.

"Datum die 1/a mensi aprilis anni Dni 1982

+ Moises Carmona Rivera"

"nationalitate norte-americana.")<sup>34</sup> Father Carmona's autobiography states that he taught Latin in a Mexican seminary.<sup>35</sup>

It was through the actions of Fathers Carmona and Zamora that the consequences of Mgr. Ngo's activities would be felt in the United States.

### FATHER GEORGE MUSEY

At this point in the story a Rev. George J. Musey appears. Father Musey was formerly a priest of the Diocese of Galveston-Houston, Texas. According to *The Catholic Directory*, he served as assistant pastor at the following parishes: St. Joseph, Houston (1953-1955); Immaculate Conception, Groves, Texas, (1956-1958); St. Mary's, Liberty Bell, Texas (1959); Resurrection, Houston (1960-1962); St. Louis, Winnie, Texas (1963), and St. Augustine, Houston (1964) – six assignments in 11 years. From 1965 to 1968, he is listed as "absent on sick leave." In 1969 his name disappears.

Eight years later, as noted above, Father Musey surfaced in the Hofbrau Restaurant near Dickinson, which he managed for his parents. (He informed one traditional priest that he occasionally celebrated private Mass in a Greek Orthodox church.) Sometime thereafter, he began functioning as a priest again, and went on the circuit to offer the traditional Mass.

In January, 1982, together with another American priest, Father Musey visited the newly-consecrated Fathers Carmona and Zamora in Mexico.<sup>36</sup> It is not known if he had any personal contact with them prior to this visit.

Whatever else may have been discussed, one thing seems to be certain – Father Musey was "offered the episcopacy."

On April 1, 1982 – less than three months later – Fathers Carmona and Zamora performed the ceremony in the Acapulco chapel. (The photos of the event reveal some departures from what is prescribed in the *Roman Pontifical*.)

<sup>34</sup> The words apparently do not exist in Latin.

<sup>35</sup> "Curriculum Vitae del R.P. Moises Carmona Rivera," *Einsicht*, German ed., (Mar., 1982), p. 24.

<sup>36</sup> Cf. *Sangre de Cristo Newsnotes*, no. 32, (Mar., 1982), *passim*.

### "FATHER" DEKAZEL

At some point, a Mr. James DeKazel joined forces with Father Musey. Priests of the Society of Saint Pius X who visited the Armada seminary during the mid-seventies recalled that there was a man by the same name employed as a cook for a time. The chapel register attests that Mr. DeKazel was married to S. Katherine Marie Roski by a priest of the Society on May 24, 1974, in Royal Oak, Michigan.

In 1982, traditional Catholics began to hear of a "Father" James DeKazel who was somehow associated with Father Musey. This "Father" DeKazel had written a 15-page defense of Mgr. Ngo's actions and issued it on April 2, the day following the ceremony for Father Musey in Acapulco. Discreet inquiries revealed that there was a connection between "Father" DeKazel and a man in Glacier, Montana, who calls himself "Father Joseph Maria" and who claims to be a "Bishop" as a result of his involvement with a schismatic sect.<sup>37</sup> "Father Joseph Maria" informs us in a document signed on June 7, 1979:

...I was told that Heaven wants me to be ordained a priest and bishop; so I was ordained and consecrated a priest and bishop in 1963 [and] 1964 [respectively]. Later I was reconsecrated conditionally as attached documents will show – without accepting the resp. [sic] Faith of those who ordained me.

The "reconsecration" alluded to was performed in 1967 by an "Old Catholic" named Bearly who pretended to confer priestly and episcopal orders on women as well.<sup>38</sup>

An article which appeared in the Billings, Montana, *Gazette* last year notes:

<sup>37</sup> Bert Joseph Rauber was originally his name. He spent some time as a Benedictine lay brother. He later joined the S. Jovite sect in Canada.

<sup>38</sup> The information on Bearly is from Peter F. Anson, *Bishops at Large*, (London: Faber and Faber, 1964), p. 383.

Pope Paul VI is alive and being held captive by enemies of the Catholic Church according to a Montana priest ... The Rev. Joseph Maria of West Glacier said the man buried in 1978 was not Pope Paul, but a double... When the double tired of his function, he was killed and buried as Paul VI, Maria said ... The present pope, John Paul II, is aware that Pope Paul is still alive, but is cooperating with the conspirators...

In other words, the Chair of Peter is not vacant because the Vatican dungeon is still occupied – certainly an original solution to a delicate theological question.

In an August 9, 1982 letter, "Father Joseph Maria" tells a correspondent that:

Yes, Fr. James de Kazel [sic] is a properly ordained priest. Why don't you get in touch with him and let him explain everything to you? He was ordained by me earlier this year; I am a bishop and Bishop Musey knows me personally. You could also inquire from him. Do not go by hearsay – for people hear and misunderstand and jump to conclusions – and come to the wrong decision.

So, Mgr. Ngo is not the only one involved in this phenomenon who has associated himself with "Old Catholics." There is an American "Old Catholic" connection as well.

### FATHER LOUIS VEZELIS

The next clergyman to throw his lot in with the spiritual progeny of Mgr. Ngo was Father Louis Vezelis of Rochester, New York. Father Vezelis, 52, entered the Franciscan Order and spent 18 years as an Army chaplain in Korea. Five years ago he returned to the U.S. and finally settled in Rochester, his home town. In December, 1979, he purchased a home there and outfitted a small private chapel in which to offer the traditional Mass.

Father Vezelis founded a publication called *The Seraph* in 1980 – the exact date is uncertain because the magazine contains no indication of the month or year for which a given issue is intended. The first issue not only solicits vocations for a foundation of Poor Clares, but also announces “the dedication [of a] Franciscan foundation of the strict observance as a SHRINE to the Immaculate Heart of Mary”<sup>39</sup> and the opening of a Franciscan seminary dedicated to St. Bonaventure. Prospective vocations are told “we can promise you an unparalleled spiritual adventure” – a prophetic utterance in light of what was to follow. (Later issues speak of facilities for private retreats “for the exhausted Fathers,” and a “minor seminary” in Buffalo – all in all, a rather ambitious program for one man.)

The first issue of *The Seraph* contained the following reflection in response to the question “What do you think of the new Pope?”

As Pope, vicar of Christ on earth, His Holiness has not made any devastating decisions so far ... Frankly and respectfully, it would be unfair to all concerned to make rash judgements. Pope John Paul is the legitimate Vicar of Christ on earth. We pray for him daily at Mass. Won't you do the same?<sup>40</sup>

(Catholics in Upstate New York recall that Father Vezelis criticized other traditional priests as allegedly being “against the Pope.” But there would be a rather sudden “conversion” on this question – as we shall see.)

In Volume I, no. 7 of *The Seraph*, an editorial speaks of “Peter's Barque,” and contends that “unwitting passengers are unceremoniously ushered into leaky lifeboats by self-appointed crewmen ... no matter how battered the Barque of Peter, there is always a skeleton crew.”

<sup>39</sup> “Shrine of the Immaculate Heart of Mary,” *The Seraph*, vol. I, no. 1, (n.d.), p. 7.

<sup>40</sup> “What was the question? ....,” *ibid.*, p. 11.

In the same issue, in an article entitled "The Body Beautiful and the Christian," there is the following statement:

For some time now, His Holiness, Pope John Paul II, has been telling people all about the body. This has and [sic] snide remarks at the Pontiff's efforts to shed some light upon the human frame. Perhaps the Holy Father is approaching the subject with the same detachment an artist would paint a nude, or a physician would examine a patient...

The article goes on to "shed some light upon the human frame."

Over and above such expressions of loyalty, the February 14, 1982, bulletin of Father Vezelis' Sacred Heart Mission in Buffalo stated:

For those who may not understand Catholic tradition and practice: Sacred Heart Mission has become a Franciscan Foundation according to the laws of the Roman Catholic Church. We are Franciscans whose bishop is the Pope in Rome... Nor are we an illegal Religious organization without papal approval such as the Pius X people... This mission is the ONLY [sic] legitimate place where true Catholics in union with the Pope can attend the Latin Tridentine Mass.

Now, surely those who hesitated to assist at the traditional Mass because of scruples over canon law would have been delighted to learn of traditional Franciscans who are not only "legitimate" -- but "whose bishop is the Pope in Rome."

However, there seems to have been some sort of a misunderstanding. In response to an inquiry from a concerned Catholic, Archbishop Augustine Mayer, Secretary of the Vatican Congregation for Religious, wrote on May 25, 1982:

Please forgive the delay in answering your query concerning Rev. Louis Vezelis, O.F.M. but we have had to make enquiries to ascertain his status.

We can now tell you that Fr. Vezelis belonged to the Lithuanian Franciscan Vicariate of St. Casimir, but was expelled from the Franciscan Order on April 17, 1978. He does not recognize the jurisdiction of the local Ordinary, but presents himself as a genuine Franciscan Father.

Obviously, the organization operated by Fr. Vezelis is not recognized by the Holy See or the American hierarchy, and therefore, there is no basis for calling it a "Franciscan foundation whose bishop is the Pope in Rome."

As noted above, Father Vezelis announced the opening of "St. Bonaventure's Seminary" in Rochester and began to receive applicants. (According to the latest information, there are three students.) It is unfortunate that (to our knowledge) the names of the professors engaged in this endeavor have not been published.

The most vexing problem in opening a traditional seminary these days is, of course, finding a bishop to ordain the seminarians. Rumors spread among the laity that Archbishop Lefebvre would do the honors. However, when informed that there was a "traditional seminary" with a few students in Rochester, His Grace replied: "That's nice. Who will ordain them?" Moreover, if you're a "Franciscan foundation whose Bishop is the Pope in Rome," and the Congregation for Religious says you're not, it is unlikely that any help will be forthcoming from that quarter. The question arises: "Where do you turn?"

A possible answer to this question appeared during the first few months of 1982 when word began to spread among traditional Catholics in the United States of the activities of Mgr. Ngo.

In April or early May of 1982, an editorial in *The Seraph* spoke in ominous tones of John Paul II's planned visit to Great Britain and of his dealings with the Anglicans. His expected participation in ecumenical worship services would be "self-condemning." Readers were informed:

[The] ambivalent and misty visit of Pope John Paul II to Great Britain tends to confirm the already loud cries in certain circles doubting the Pope's right to represent the Head of the Catholic Church, Jesus Christ, as His Vicar... If the Pope ... participates in religious services of a heretical sect ... this would, in fact, amount to a repudiation of his solemn duty ... The coming visit of Pope John Paul II will serve to decide [sic] many Catholics hitherto wavering as to his true intentions as the occupant of St. Peter's Chair.<sup>41</sup>

In the same issue, there is an article which defends the "unexpected consecration of several *very valid and very Roman Catholic bishops.*"<sup>42</sup> Given the drift of the editorial page, it was reasonable to assume that there would surely be at least one more consecration – but it wouldn't be entirely "unexpected."

In the next issue (Vol. II, no. 8 – June, perhaps), readers were treated to two articles which attempted to deal with the canonical effects of common worship with heretics, a letter of Father Carmona which stated that the Holy See has been vacant for 20 years, an article entitled "Habemus Papam?" (the answer given is "no"), and a cover photograph of Mgr. Ngo who was referred to as "The Man of the Hour."

"Brother Juniper's" question and answer column tackles a rather thorny problem: three issues back (in Vol. II, No. 5), *The Seraph's* readers were informed that "A Catholic who wishes to save his soul must be united to the living Vicar of Christ. This does not mean that you must agree with everything he says or does." The

<sup>41</sup> "Editorial," *The Seraph*, vol. II, no. 7, (n.d.), inside front cover.

<sup>42</sup> "I.M. Wiseman," "Words of Wisdom," *ibid.*, p. 6 (Emphasis in original.) On pp. 7-8, "I.M. Wiseman" claims "Archbishop Lefebvre urges his followers to deny not the last *four* popes but the last *seven!*" (Emphasis in original.)

This rather astounding assertion is based on Archbishop Lefebvre's statement: "From this follows the necessity of attaching ourselves to the last canonized Pope, St. Pius X, to remain in the Catholic faith without danger of erring." It is not clear whether the humor of "Wiseman's" statement is intentional or unintentional.

questioner asks for a clarification. In part, "Brother Juniper" replies:

At the time of the writing of the particular issue... it was felt that the evidence supporting the position that the apostolic See was vacant was, in our opinion at least, inconclusive. Perhaps we were overly cautious. Nevertheless, we do not refuse the evidence.<sup>43</sup>

In light of what followed, one may speculate as to the extent the sight of Mgr. Ngo on the horizon affected the speed with which the "evidence" was embraced.

Having seen such an earth-shaking theological question disposed of in a period of two or three months – surely record time – one is led to ask another question, which is a bit more practical and to the point: Who will ordain the students at "St. Bonaventure Seminary?"

The July 1982 issue of *The Seraph*, to no one's surprise, announces that "The Most Reverend Louis Vezelis, O.F.M." will be consecrated a bishop by Mgr. Ngo and that:

Everyone is invited to attend this historical moment [sic] of great Roman Catholic importance [sic]. The anguish of many Roman Catholics has been the absence of true and loyal Roman Catholic bishops who are alone the successors of the Apostles and the divinely instituted shepherds of the flock. The majority of loyal Roman Catholics will rejoice with [sic] the visible presence of ecclesiastical authority so long absent.<sup>44</sup>

The "Assisting Bishops" (co-consecrators?) are named as "His Excellency Moises Carmona, His Excellency Adolfo Zamora, His Excellency George J. Musey." The ceremony would take place on August 24 in Sacred Heart Mission in Buffalo. Thus, the day was saved, and the future of "St. Bonaventure Seminary" was secure.

<sup>43</sup> "What was the question? ....," *The Seraph*, vol. II, no. 8, (n.d.), p. 24.

<sup>44</sup> "Special Announcement," *The Seraph*, vol. II, no. 9, (n.d.), p. 1.

Father Vezelis stated that Mgr. Ngo asked him to accept episcopal consecration.<sup>45</sup> Once again, several interesting questions arise. Had Mgr. Ngo ever met Father Vezelis? How long had Mgr. Ngo known of him? How did Mgr. Ngo make this offer? In person, or through the mail? How long after Father Vezelis' public conversion to what is said to be Mgr. Ngo's theological position was this offer made? Did Mgr. Ngo conduct a prudent investigation before making the offer or did he proceed as he did with Palmar and the Old Catholics?

Whatever the answers to these questions may be, one thing is clear – the date for the ceremony arrived in no time.

Mgr. Ngo was not able to make it (his place was taken by Father Musey), nor was "the majority of loyal Roman Catholics" (about sixty people attended the ceremony in the cavernous church).

Father Vezelis was roundly criticized in most traditional Catholic circles. A subsequent editorial in *The Seraph* blasts what he terms "neoanticlericalism":

[which is] aptly illustrated by the hysterical attacks made in some pretended "Catholic" periodicals whose goal is to establish a laicized Church by means of ridiculing the hierarchy.<sup>46</sup>

The "hierarchy" allegedly being ridiculed appears to consist exclusively of those clerics who have gotten involved with Mgr. Ngo.

#### **"TACIT CONSENT"**

A curious sidelight to all these goings-on is Father Vezelis' insistence that his activities somehow have enjoyed the approval of the Franciscan Minister (Superior) General in Rome. An article on his organization which appeared in May, 1982, states:

Other conservative priests have actually broken with Rome for the sake of Rome, but Father Louis

<sup>45</sup> "Bishop-to-be to fight for old ways," Rochester *Times Union*, Aug. 12, 1982, section B, p. 1.

<sup>46</sup> "Anticlericalism," *The Seraph*, vol. II, no. 10, (n.d.), inside front cover.

has not yet had to go that far. As a member of the Order of Friars Minor, he takes his orders from the Franciscans' Father Superior in Rome, not from the local bishop.

"Rome has been silent," Father Louis says with a wry smile. He believes that silence implies a "tacit consent" for his Mt. Read Friary and seminary.<sup>47</sup>

On August 12, 1982 – twelve days before the ceremony in Buffalo – an account in the secular press says that Father Vezelis is, in theory, responsible to the Franciscan Minister General. He is quoted as saying, however, that "we maintain a minimum of contact."<sup>48</sup>

A few days after the ceremony, Father Vezelis claimed in another paper, *The Courier Express*, that he had the tacit approval of the Franciscans – by their silence – to continue his work.

There is, however, another point of view on this matter. Father Louis Brennan, writing on March 9, 1982, from Rome on behalf of the Franciscan Minister General, states:

Fr. Louis Vezelis was a member of our Franciscan Order, in particular, a member of our Lithuanian Vicariate which has its center in Kennebunkport, Maine. By letter of April 19, 1978, the then Superior of the Lithuanian Vicariate, informed us that Fr. Vezelis had been declared automatically dismissed from the Order, by decree of April 18, 1978, on grounds of removing himself from Franciscan jurisdiction.

He is, then, no longer a member of our Franciscan Order, nor are we in a position to answer for him.

If Father Brennan's letter contains any "consent" to Father Vezelis' activities, it is very "tacit" indeed.

<sup>47</sup> "A Band of Brothers," Sunday *Democrat and Chronicle*, May 2, 1982, Upstate section, p. 12.

<sup>48</sup> "Bishop-to-be...," etc., p. 2.

### A NEW "HIERARCHY"

As we noted above, the activities of Mgr. Ngo in the mid-seventies led to the formation of the schismatic "hierarchy" of Palmar de Troya, the leaders of which went on to make extravagant claims regarding their "authority." (The process culminated in Mr. Dominguez' self-proclamation as "Pope.")

History, it seems, is beginning to repeat itself. Over the past few months, Father Vezelis has begun to make a number of claims regarding the "authority" of the "hierarchy" set up by Mgr. Ngo. Recently Father Vezelis commented on the various controversies which are occasionally found in certain traditional Catholic circles and wrote:

...the basic problem appears to be in the matter of *whom* to obey. Indeed, this is the crucial question: *Whom* will all those Catholics who have refused to follow an heretical hierarchy obey? Clearly, if they are to remain Roman Catholic, they must submit to a Roman Catholic hierarchy. And here is where the conflict arises. Very few seem ready to submit to legitimate Catholic authority.<sup>49</sup>

He goes on to say that those who deny that there now exists "canonical authority" in the Catholic Church (as distinguished from the Conciliar Church) are guilty of "heresy," and says that "denial and refusal of legitimate authority gives birth to anarchy."<sup>50</sup>

But, the reader may ask, where is this "legitimate authority" to be found? With "Bishop" Vezelis and "Bishop" Musey, of course. Take, for example, the question of determining what is suitable reading material for a Catholic. "The safest course," we are informed, "is to inquire of one of the bishops as to what literature is wholesome."<sup>51</sup> Further, "The only ecclesiastics who still

<sup>49</sup> "Conflict or Controversy," (editorial), *The Seraph*, vol. III, no. 1, (Sept., 1982), inside front cover. Beginning with this volume, the month and year of the issue appear. For some reason, however, the copyright date given is still 1980.

<sup>50</sup> *Ibid.*

<sup>51</sup> "Brother Juniper," "What was the Question?" *ibid.*, p. 19.

have this authority are those who received it previously from legitimate bishops.”<sup>52</sup>

(By extension it would seem to follow that traditional Catholics in Europe would be free to submit manuscripts for an Imprimatur to the “Old Catholics” consecrated by Mgr. Ngo.)

Nor is this “legitimate authority” limited to reading material – everyone involved in religious instruction is supposed to be subject to it:

Now that there are doubtlessly valid and licit bishops, Bishops Musey and Vezelis, those priests and laymen who preach and teach are bound to follow the [sic] Canon Law in union with these bishops. This should not surprise anyone, because this is a requirement of the Catholic Church.<sup>53</sup>

It should be evident to every Catholic that no one has the right to teach in the name of the Catholic Church who has not received such delegated authority from a Catholic bishop. The same holds true for those who would remain Catholics while blatantly ignoring the authority of those whom Christ has placed to rule the Church: the bishops.<sup>54</sup>

In Father Vezelis’ opinion, then, priests and laymen are “bound” to be in union with him and to accept his “authority.” That’s nice.

According to *The Seraph*, those who disagree with Father Vezelis on this issue have put themselves in a rather precarious position:

Until the appearance of valid and licit Roman Catholic bishops... the ordinary priest was the legitimate authority for all Catholics... The fact

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> “Canon Law,” (editorial), *The Seraph*, vol. III, no. 2, (Oct., 1982), inside front cover.

remains: these clergymen [“Bishop” Vezelis et al.], and no one else, represent the Catholic Church.<sup>55</sup>

### ‘EXTRA VEZELIS, NULLA SALUS’

A brief resume of the claims of the members of this new “hierarchy,” then, would read as follows: (1) They are “ecclesiastical authorities.” (2) Those who disagree with them are, by implication, “heretics.” (3) They possess “divine authority.” (4) They alone “represent the Catholic Church.”

By making such claims, these men have set themselves up as the “hierarchy” of what can only be called a new religion with its own “magisterium.” In effect, they teach that those traditional Catholics who do not accept their self-proclaimed authority are “outside that Catholic Church,” and imply that such traditional Catholics put their salvation in danger. “Outside the ‘traditional Catholic bishops’ there is no salvation,” or, to coin a Latin aphorism: *Extra Vezelis, nulla salus.*

After reading the claims these men put forward, it is mildly amusing to see *The Seraph* speak of the Society of Saint Pius X as “those scandalous violators of Church unity and freedom, namely, Lefebvre’s schismatic sect,” and go on to say:

The most disastrous insult to truth and Catholic unity is this pretentious organization which isolates its members from all contact with legitimate priests and bishops of the Roman Catholic Church.<sup>56</sup>

### ‘INVASIVE ENTERPRISES’

Mgr. Ngo seems to have some rather unusual ideas on liturgical and disciplinary matters.

A section of his autobiography appeared in a recent issue of *The Seraph*,<sup>57</sup> and the index page notes it is “from the French by

<sup>55</sup> “David Michaels,” “Letter from New York,” *The Seraph*, vol. III, no. 3, (Nov., 1982), p. 8.

<sup>56</sup> “Rev. S.O. Park,” “St. Athanasius,” *ibid.*, pp. 5, 9.

<sup>57</sup> “Misericordias Domini in Aeternum Cantabo: Autobiography of Archbishop Peter Martin Ngo-dinh-Thuc,” *ibid.*, pp. 13-14.

Bishop Vezelis." Mgr. Ngo says that "among the intellectuals, we admit unity of dogma in matters of Faith, but with diversity in the spheres which do not touch dogma." Speaking of the situation in the Church before Vatican II, he continues:

This explains to some extent my disaffection for the invasive enterprises of the Vatican to impose points of liturgy and canon law – in a word – reducing the particularity of every civilization to a common denominator... Diversity is the ornament of the universe. Why impose only one manner of celebrating the Holy Mass, which consists uniquely of the consecration? And to impose it under the penalty of suspension and even excommunication – is this not an abuse of power?

Mgr. Ngo seems to have forgotten that the reason the Church insisted on liturgical uniformity was because she viewed it as a reflection of doctrinal unity. In any case, he continues:

The Vatican invents regulations in order to choke any peculiarity, be it liturgical, or be it canonical, of the local Churches. It wishes uniformity everywhere without thinking that the liturgical peculiarities of the oriental Churches date back to the apostolic age, and without considering that each people has its characteristics just as respectable as those of Rome.

The oriental customs he enumerates are the social customs of pagan Asian cultures, and not those of the eastern Uniate churches. The reason the Church "invented" regulations, by the way, was to preserve the faith and to "choke" error.

He observes that Our Lord celebrated the Last Supper according to the Jewish Passover customs, and continues:

Presently the priest consecrates while standing and receives Holy Communion in an inclined position.

Why should he do that, since one eats while sitting? The Japanese eat while sitting on their heels; Hindus eat while sitting on the ground and the food spread out on a banana leaf. The Chinese and Vietnamese eat with chopsticks.

He goes on to make the curious argument that, in light of this, Paul VI was illogical in condemning those who celebrate the traditional Mass because he condemned "those who celebrate in a different manner."

Thus, Mgr. Ngo, the head of this "hierarchy" views the uniformity which existed in the Church prior to Vatican II in matters of canon law and liturgical practice as "invasive" and undesirable. It was an "abuse of power." Mgr. Ngo, on the other hand, views diversity in these areas as "an ornament of the universe." It all sounds a bit like the documents of Vatican II.

(As an aside, it is interesting to note that in the same article Mgr. Ngo uses the words "good Pope John XXIII," which would no doubt come as a surprise to his Mexican "bishops," who seem to believe that the Apostolic See has been vacant since the death of Pius XII. Perhaps the phrase is simply a manifestation of the "diversity" which ornaments the particular universe under discussion.)

### AN ASSESSMENT

We have presented a short overview of the practical consequences of Mgr. Ngo's activities. Next, a brief assessment is in order.

It is important to avoid diversions in discussing this issue, and there are two objections which run the risk of leading the debate far afield.

The first objection is based on the fact that these men believe (or at least profess to believe) that the Apostolic See has been vacant since the death of Pius XII. Though one has seen little that could be classified as serious theological writing emanating from their quarter – unless breathless prose sprinkled with italics, exclamation points and attacks on nearly everyone else could be classified as "theology" – they end up with what is simply a theological opinion. And only the Magisterium of the Church has

the authority to settle definitively a "theological question" and the practical consequences thereof.

Mgr. Ngo's most vocal adherents, in effect, raise what is only an opinion to the level of divine and Catholic faith by implying that anyone who disagrees with them is somehow not Catholic. Those who oppose the opinions of these men should refuse to play the game with them by falling into the same trap.

The second common objection touches upon canon law. On April 9, 1951, the Holy Office decreed that any bishop who consecrates a bishop not nominated or confirmed by the Holy See and whoever receives episcopal consecration in such a fashion incurs excommunication reserved "specialissimo modo" to the Holy See. The event which precipitated this decree was the consecration of bishops for the Chinese National Church, a puppet body set up by the Chinese Communists. Formerly, the penalty had only been suspension – the same as the one laid down for bishops who ordain priests without dimissorial letters.

However, these are prescriptions of human law – and not of the divine, the natural or the divine-positive law. There are historical precedents for consecrating bishops without the customary documents, and there are prudent people who can make a reasonable case for such a course of action under the present, rather extraordinary circumstances we face – though one has yet to see it made by the supporters of Mgr. Ngo. Hence, calling the canons into the fight only diverts our attention from the real issues.

To take these self-styled bishops to task on the basis of either theological opinion or canon law would only dignify what they have done – and discussions based upon mere opinion tend to draw our attention away from the facts.

Consider the history of the affair as a whole: private revelations, the Palmar affair, reconciliation with the Vatican, involvements with French "Old Catholics," concelebrating the New Mass, together with a sudden involvement with someone who believes it's invalid, "secret consecrations," a sudden "Declaration" about the Holy See, high-sounding "Oaths of Unity," a Latin teacher who has problems with Latin, a disappearing priest who ends up a "bishop," "Father" DeKazel, Franciscans "whose Bishop

is the Pope in Rome," a one-priest monastery-seminary-convent-retreat house, sudden hairpin turns on ideology, mysterious "offers of the episcopacy," claims of "tacit consent," self-proclamations of universal ordinary jurisdiction, and so on.

Can we really take all this seriously and suppose that the "bishops" involved in such goings-on are the future of the Church? Impossible. Even to refer to them as "traditional Catholic bishops" lends too much respectability to the whole business, which is, in this writer's opinion, very disrespectful indeed.

One theme which dominates the affair from beginning to end is a gross and dangerous lack of prudence regarding the transmission of Apostolic Succession – a matter in which the slightest lack of prudence is inadmissible. St. Paul reminds us: "Lay not hands lightly on any man" – he does not say: "Lay hands quickly on anyone."

What is far more serious, however, is that these men claim that they are the "only legitimate authority" of the Catholic Church and that Catholics are "bound" to obey them. Further, they pretend to exclude from the Catholic Church those traditional priests and laymen who refuse to recognize their "authority" – something no traditional organization we know of presumes to do. By making such claims, these "bishops" have set up their own religion, with its own "magisterium," its own "episcopal hierarchy," and its own beliefs. It is a new religion, in spite of its trappings – and all its "episcopal consecrations," self-important proclamations and inflated claims of "canonical authority" cannot make it into the Catholic religion. It is at the very least in the process of creating what will surely become a schismatic sect.

The story will not end here – it is probable that "instant bishops" will continue to multiply exponentially, as among the "Old Catholics." Our missionary friend in Mexico offers us his opinion on this rather gloomy prospect:

We should have within a few years hundreds or thousands of bishops... without true vocations, the one more ignorant than the other, and an unavoidable cause of more division among traditionalists.

It is not impossible that one day these men will decide that their "authority" allows them to elect a "pope" from among their number. Perhaps we will see them trudge along the path already taken by Palmar de Troya, following some man who wears a tiara that looks like a lamp shade and who cranks out "encyclicals" by the dozen.

If such a day comes, we will then see the ultimate consequences of the movement which, for the moment, seems to promise "a prelate in every pot, and two bishops in every garage."

## **APPENDIX C:**

### **Fr. Sanborn's Latest Position On The Pope**

Over the years Fr. Sanborn's position on the status of John Paul II has changed frequently and dramatically. His present position is that John Paul II is materially but not formally the pope; that he is the legal occupant of the Chair of Peter but possesses no authority. Now, by material pope, Fr. Sanborn does not mean what Catholic theologians mean. In Catholic theology a person who *materially* possesses an office but who does not possess it *formally* does not legally possess the office. He is an illegitimate occupant of the office and possesses no authority. Nor is authority passed on through him. In Fr. Sanborn's own journal *Sacerdotium* we read about this:

"Succession, as used in this connection, is the following of one person after another in an official position, and may be either *legitimate* or *illegitimate*. Theologians call the one *formal* succession; the other, *material*. A material successor is one who assumes the official position of another contrary to the laws or constitution of the society in question. He may be called a successor in as much as he actually holds the position, but he has no authority, and his acts have no official value, even though he be ignorant of the

illegal tenure of his office. A formal, or legitimate, successor not only succeeds to the place of his predecessor, but also receives due authority to exercise the functions of his office with binding force in the society. It is evident that authority can be transmitted only by legitimate succession; therefore, the Church must have a legitimate, or formal, succession of pastors to transmit apostolic authority from age to age. One who intrudes himself into the ministry against the laws of the Church receives no authority and consequently can transmit none to his successors." [Emphasis added.]<sup>1</sup>

Notice that "the Church must have a legitimate, or formal, succession of pastors *to transmit apostolic authority from age to age*. One who intrudes himself into the ministry against the laws of the Church receives no authority and consequently *can transmit none to his successors.*" This transmission of authority is what constitutes apostolicity. Yet, Fr. Sanborn says that "the apostolicity of the Church" is protected by illegitimate popes who only possess the office materially. He considers a mere material possession of the Chair of Peter, which is an illegitimate possession, as the means by which "the apostolicity of the Church" is protected.<sup>2</sup>

Thus, for Fr. Sanborn, John Paul II is not a material pope in the sense that is meant by E. Sylvester Berry, whom we quoted above, when he speaks of the material possession of an office. For Fr. Sanborn a material pope is more. He is one who is legally in possession of the office and who shall remain in possession until such time as he is "legally deposed."<sup>3</sup> For Fr. Sanborn the material papacy of John Paul II is what protects "the apostolicity of the

<sup>1</sup> E. Sylvester Berry, D.D. quoted in Rev. Donald Sanborn, "De Papatu Materiali," *Sacerdotium XI* (Pars Verna MCMXCIV), pp. 7-8.

<sup>2</sup> Rev. Donald Sanborn, "An Emperor We Have, But No Bishop," *Catholic Restoration* V (Second Quarter 1995), p. 20.

<sup>3</sup> *Ibid.*

Church." This is also true, he says, with regard to the heretical bishops throughout the world. Thus he writes:

. . . until their designation to possess the authority is legally declared null and void by competent authority, the heretical "pope" or "bishop" is in a state of legal possession of the see, but without authority. He can only lose that state of legal possession by legal deposition.<sup>4</sup>

Fr. Sanborn has followed in the footsteps of Fr. Guérard des Lauriers. He has thus "wandered off into the dense underbrush of obscure philosophical speculation," as Fr. Cekada put it.<sup>5</sup>

Fr. Sanborn regards John Paul II as the legal possessor of the Chair of Peter. Yet he says that John Paul II has no jurisdiction. He says that John Paul II is a "Valid [pope] . . . with regard to designation" and that this material validity of the post-Vatican II popes is what guarantees "the apostolicity of the Church."<sup>6</sup> But a pope in legal possession of the Chair of Peter without jurisdiction is a contradiction in terms. It is a dogma of Faith that:

The Pope possesses full and supreme power of jurisdiction over the whole Church, not merely in matters of faith and morals, but also in Church discipline and in the government of the Church.  
(*De fide.*)<sup>7</sup>

If someone is in legal possession of the papacy, he "possesses full and supreme power of jurisdiction over the whole

<sup>4</sup> *Ibid.*, p. 19.

<sup>5</sup> Rev. Anthony Cekada [Peregrinus], "Two Bishops In Every Garage," *The Roman Catholic V* (January 1983), p. 7.

<sup>6</sup> Sanborn, "'An Emperor We Have, But No Bishop,'" p. 20.

<sup>7</sup> Dr. Ludwig Ott, *Fundamentals of Catholic Dogma*, ed. James Canon Bastile, D.D., trans. Patrick Lynch, Ph.D. (St. Louis: B. Herder Book Co., 1957), p. 285.

Church." To separate the idea of legal "pope" from the idea of "full and supreme power of jurisdiction over the whole Church" is to implicitly undermine a *de fide* dogma of the Catholic Church. As Fr. Sanborn said not so long ago: "either Wojtyla is the pope or he is not."<sup>8</sup> And if he is the pope, then he must possess "full and supreme power of jurisdiction over the whole Church." You cannot have it both ways.

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<sup>8</sup> Rev. Donald J. Sanborn, "The Dissent Of Faith," *Sacerdotium* II (Pars Hiemalis MCMXCI), p. 30.